

SIX LECTURES  
ON  
THE INNS OF COURT  
AND OF CHANCERY

*Delivered in Middle Temple Hall during  
Easter and Trinity Terms, 1912*

[William Blake Odgers and others.]

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## PREFACE

IT was the ancient custom of the Middle Temple for each Reader in turn to give "readings" and to hold "moots" in Hall. The Lent Reader for 1912 was anxious to revive this ancient custom, and his brother Benchers were good enough to concur. It was decided that six Lectures should be given on the Inns of Court and of Chancery, as it was felt that many students and even some barristers knew very little of the history of the Inn to which they belonged and of the great men connected with it.

The Lent Reader desires to express his gratitude to Messrs. Underdown, Ingpen, Douglas Walker, and Duke for kindly consenting to deliver a lecture each on his own Inn; and especially to thank Mr. Balfour Browne, the Treasurer of the Middle Temple, for facilitating the necessary arrangements, and also for presiding at each of the lectures.

W. B. O.

*August, 1912.*

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## PLAN

THE LEGAL QUARTER OF LONDON IN THE REIGN OF QUEEN ELIZABETH, 1563	<i>At end of volume</i>
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## INNER TEMPLE

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### MASTER UNDERDOWN'S LECTURE

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#### ADDENDA AND CORRIGENDA

PAGE	LINE	
61	2	<i>strike out</i> was, <i>insert</i> might come to be.
70	10	<i>insert</i> Royal.
72	1	<i>after</i> judges <i>insert</i> to their brother Serjeants ; <i>after</i> offices <i>insert</i> and dignitaries.
	24	<i>after</i> Lindly <i>insert</i> the windows fitting and of the.
	27	<i>strike out</i> Kent, <i>insert</i> at Mill Hill, London.
80	5	<i>for</i> Edward I <i>read</i> Henry III.
	20	<i>add</i> Little Maplestead and Northampton.
	6	<i>strike out</i> many, <i>after</i> cases <i>insert</i> of felony.
77	7	<i>strike out</i> the latter <i>insert</i> were ; <i>omit</i> two next para- graphs.
84	8	<i>for</i> appreciates <i>read</i> appropriated.
89	9	<i>after</i> 1538 <i>insert</i> Mary restored the Hospitallers.
91	7	<i>after</i> system , (comma).
93	15	<i>after</i> Courts <i>insert</i> by the Probate and Divorce Act, 1857.
97	20	<i>for</i> 60 <i>read</i> 75.
103		<i>bottom of page add</i> also refer to Hayward's case.
104	21	<i>strike out</i> an, <i>after</i> occupiers <i>insert</i> he is also the sanitary officer.
108	20	<i>for</i> 1883 <i>read</i> 1852.
111	14	<i>for</i> Leader <i>read</i> Reader ; (in note) <i>for</i> Whiteley <i>read</i> Whateley.

## ADDENDA AND CORRIGENDA

PAGE LINE

III 12 *add* :—

The mastership of the Temples is a Royal Peculiar. The Master is an Ecclesiastic, is appointed and disposed of by the Crown in virtue of the reservation contained in the Deed of Grant of James I.

His stipend is paid by the Inner and Middle Temples jointly, and the house provided.

III 18 *after rates insert following* :—

and although they form no part of a union they, under the Poor Law Amendment Act, make a contribution to the Guardians of the City of London Union, such contribution being based upon the annual rateable value of the Inn. This sum amounts to some £1,000 per annum, while the other payments to the City and the County Council amount to some £5,700 per annum (*strike out remainder of paragraph*).

III 26 *add following* :—

The latest revision of the Regulations constituting the Council is dated February, 1910.

The four Inns contribute to the expenses as below stated, and receive and consider with respect any recommendations which may be made to them by the General Council of Bar.

The Inner Temple, however, has not nominated its proportion of nominative members of the Council mentioned in the Constitution—besides the official members forty-eight are elected by the whole bar.

As far as the Circuits are concerned they from time to time select candidates to be recommended for election as Members of the Council, who then receive at the election the general support of the members of the Circuit.

## ERRATA

- 3 7 *for* more than two hundred *read* many.  
18 27 *for* Vienna *read* Vienne.

# I.

## THE LEGAL QUARTER OF LONDON.

*A lecture delivered in Middle Temple Hall  
on Monday, April 22nd, 1912, by*

W. BLAKE ODGERS, K.C.

WE all know that London is now the largest city in England, and therefore many people think it must be the most ancient city in England. But this is not the fact. We have several cities of greater antiquity. Exeter, Bath, Gloucester, Chester and York date back to an earlier period of the Roman occupation of Britain. Winchester even claims a British origin. No such claim can be made for London.

Yet it has been made. Gildas claims that London was a British city. This assertion is corroborated by Geoffrey of Monmouth and further confirmed by a book in our own library, written in 1789, entitled *Bibliotheca Legum Angliae*,

which states that in the year B.C. 444 Dunwallo Molmuthius<sup>8</sup> was king in England. And in this book you will find more about this ancient monarch, of whom, of course, you have all heard!

"It is further related that Dunwallo Molmuthius did constitute laws in Britain, which were there-upon called 'the Molmucian laws'; amongst which it was enacted, 'That the cities and temples of the Gods, and the ways leading to them, as also the husbandmen's plows, should have the privilege of sanctuary.' This ancient King is also memorable as one of the first founders of our law, having first built at London the Temple on the spot on which the Church of the Temple now stands, the precinct of which he made a sanctuary or place of refuge."

I do not believe that there was a temple or any other sacred edifice standing on the site of the present Temple Church in the year B.C. 444—that is to say when Ezra and Nehemiah were rebuilding the walls of Jerusalem, when Herodotus was wandering about in Egypt collecting materials for his history, and Appius Claudius was supposed to be busy composing the Twelve Tables. I believe that at that date the site of our present Temple Church was under water! The estuary of the Thames was then eight or ten times as wide as it is now.

London did not exist when Julius Caesar landed

in Britain in B.C. 55. It is true that Gray addresses the Tower of London as

“Ye towers of Julius, London’s lasting shame.”

But he must have known that Julius Caesar never saw or heard of the building. Again, there was no London when the Romans occupied Britain for the second time in A.D. 43, nor for more than two hundred years afterwards. This is shown by the fact that those who constructed Watling Street, the earliest Roman road, knew of no such place. This road started from Reculver in Kent, passed through Canterbury, where it met the road from Dover, crossed the Thames half a mile or so on the western side of Westminster and then struck a way through Dunstable and Stony Stratford to Lichfield and Wroxeter, wholly ignoring the possibility of there being any London at that time.

#### LONDON WITHIN THE ROMAN WALL.

In the fourth century, however, there was no doubt a Roman colony on the spot now occupied by the City of London. At first it was nothing more than a fortified barrack posted on a rocky hillock that rose out of the marshes of the Thames, on or near what we now call Ludgate Hill, and occupied only by soldiers and camp-followers. As trade developed merchants and

hucksters, and other non-combatants came to reside under its shelter; and London grew to be a colony. About A.D. 340, in all probability, it became a municipality. And at some date between A.D. 350 and 370 the famous Roman wall was built enclosing the buildings and nearly a square mile of open country as well. This was done in order to secure a supply of water and grazing for horses and cattle. The portion of this wall on the western side of the Roman city is shown by the black mark in the extreme right hand corner of the map.<sup>1</sup>

This wall played a most important part in the subsequent history of London. We do not know by whom it was built—probably his name was Balbus! But for those times the wall was wonderfully well and strongly built. Two or three portions of it may still be seen. And a builder, whom I know well, told me that in his lifetime he had discovered other portions that were unknown to the archæologists, still perfect though all underground; for the level of the city has risen considerably.

In A.D. 410 the Romans quitted Britain. But London remained a strongly fortified town; and at first it stoutly resisted the Saxon invaders; its wall rendered it almost impregnable. But either

<sup>1</sup> The lecture was illustrated by an enlargement of a portion of Ralph Agas' map, 1563, which is reproduced at the end of this volume.



it was eventually abandoned or it was starved out. At some unknown date in the sixth century the Saxons became masters of it, and held it till A.D. 839, when the Danes in their turn captured the town and drove the Saxons out. The Danes burnt or demolished all the buildings, and did what they could to destroy the wall, and then left the City empty and desolate. It cannot, therefore, be maintained that the City corporation of to-day is the direct successor of a Roman municipality.

King Alfred realised the importance of London and the value of its situation both as a military and as a commercial centre. Accordingly in A.D. 886 he re-peopled London, re-built its wall, and founded a new city on the site of the Roman colony. He organised London as a county enclosed within walls rather than as a municipality. None of the institutions of the City show any trace of Roman origin; they are all of the type with which we are familiar in the Saxon shires. Alfred welcomed strangers from all parts into the new town; Saxons, Danes, Frenchmen and Germans came to live there; and this continued under the later Saxon kings. There were many Normans settled in London before the Duke of Normandy invaded the Kingdom.

William the Conqueror hastened to make terms with the City of London; he wrote a "friendly" letter which is still preserved in the archives of

the City at Guildhall, to "William, Bishop, and Gosfrith, port-reeve, and all the burghers within London, French and English," promising that all should be "law-worthy" that were so in the days of King Edward the Confessor, that every child should be his father's heir according to Saxon custom, and that he would not suffer any man to do them wrong. In all subsequent disputes between rival claimants for power in England the City of London was generally shrewd enough to choose the winning side. Hence it soon acquired, privileges such as the right to hold its own courts to elect its own bailiff or mayor, to commute its dues for a fixed sum, etc. Henry I granted to the City a charter which recognised its old local courts as legal institutions; and in the reign of Henry II the King's Court of Exchequer held at least half of its sittings in the City of London, and there often heard common pleas (*i.e.*, litigation between subjects). The trade of London steadily increased and so did its population. But for centuries there was room for all within the ambit of the Roman wall; and the City remained a small but compact town, well organised and well governed.

You must remember that London never was in the county of Middlesex for any administrative purpose; it was always independent of the courts of that shire, which in Saxon and Danish times was very sparsely populated. But in 1101

Henry II gave the county of Middlesex to the City of London "to farm," together with the right to appoint the sheriff of Middlesex; so that the county now became an appanage of the City. The City paid (and, I believe, still pays) the Crown a rent of £300 for the county. The right of the City of London to appoint the sheriff of Middlesex continued till the year 1888.

### THE LAND ACROSS THE FLEET.

But to-night I have to deal with the history, not of the ancient City of London itself, but of that portion of the modern metropolis which I have ventured to christen the "legal quarter of London." It stretches for nearly a mile to the west of the old Roman wall, and for many centuries it has been largely frequented by lawyers. In Norman times the monks called it the "territory *ultrà Fletam*."

The portion of this territory which was nearest to the Thames was still mostly marsh when the Roman wall was built, and there was a considerable ebb and flow of the tide. If you will look at the map you will see the Fleet brook flowing into the Thames close to the Roman wall. That Fleet brook, at the time of which I am speaking (A.D. 350), was at high tide eight or ten times as wide as it is shown on that map. Poor little Fleet brook! After helping for centuries to guard the City of London on its western side, it came to be called the "Fleet ditch"; and now it is shut up in a sewer

under Farringdon Street. You may still see it at low tide pouring its contents into the Thames through a round opening in the wall which supports St. Paul's railway station.

The land bordering on the Thames to the immediate west of the Fleet brook was in Roman and Saxon times full of creeks and runnels, though meadows were gradually emerging from the marsh. This is shown by the names which we still find there—such as Bridewell, Water Lane, Milford Lane, and Aldwych. “Wych” means a creek or arm of the sea. You know that the Scandinavian invaders of Britain called themselves vikings, not vi-kings—kings by force—but vik-ings—sons of the creek, or children of the fjords. You find the same word in Greenwich, Woolwich, Ipswich, Harwich, etc. There was a nameless stream which was once the chief tributary of the Thames between the Tyburn and the Fleet. Its source was near the Church of St. Giles in the Fields, whence it ran across the meadows in a south-easterly direction towards the site of the future Church of St. Clement Danes. Before it reached what we till lately knew as Wych Street, it fell into the creek which was called the Old Wych; and close to this spot there was subsequently a water mill and a ford, at the top of what we now call Milford Lane. The Old Wych then curled round and fell into the Thames “just at the bottom” of Essex Street, where the barges lay in the days of Sir George Rose! Then a little

further on at the foot of what we now call Wellington Street our map shows a bridge which it calls Strand Bridge ; so there must have been another stream running into the Thames just there. All this, I think, confirms my statement that the southern portion of the territory *ultrà Fletam* was originally more or less a marsh. It was indeed sometimes called "London Fen."

A little further inland from the Thames there soon came to be fair meadows. There was one on the north-eastern side of the Old Wych, which was known as Fickett's Field, and others sloping up towards Holborn Hill. But in Roman and in Saxon times there were practically no houses to the west of the Fleet brook ; no Fleet Street and no Strand existed then. There was no road or lane at this time south of Holborn. And there was no gate in the Roman wall at the foot of Ludgate Hill. There was indeed no use or need for such a gate ; as the Fleet brook there was too wide to jump and too deep to ford, and there was no bridge. For 800 years after the Romans left Britain, the only gate in the Roman wall on the west side of the City was New Gate. You know that a Roman bath has been discovered on the south side of the Strand. If the Roman who owned this bath lived inside the Roman wall he had to reach his bathing place by a somewhat circuitous route. He would have had to go from wherever he lived in the City through the New

Gate, down to the Fleet brook, ford that, go up Holborn Hill, and then strike across the fields to his bath near the Thames.

And this state of things continued throughout Saxon times and down to the beginning of the twelfth century. An abbey was founded at Westminster a little more than a century before the Norman Conquest; and shortly after that event the king had a palace at Westminster. But if either abbot or king desired to journey from Westminster to the City of London, he had to go by water—for the Thames was the great highway between the two cities—or he had to go by road through the village of Charing and further northwards till he joined the road from Oxford, then along Holborn and enter the City at the New Gate. That was then the only way by road from Westminster to London, for the Strand and Fleet Street still did not exist.

Very few people before the accession of Henry I ventured to live outside the Roman wall; and indeed there was no reason why they should do so, as there was plenty of room within its protection. Those who were bold enough to reside outside it naturally clustered round the existing highway and the neighbourhood of the City gate. There were houses on both sides of Holborn almost to the top of the hill for at least a hundred years before there was anything like a street nearer the Thames. But all the flat ground on the crest of

the hill was devoid of any buildings. In the Manor of Portpool—that is where now stands Gray's Inn—there were no houses at the time of which I am speaking, but merely a wind-mill and a chantry. The priest who served this chantry came from St. Bartholomew the Great in Smithfield. He did not dare to sleep in the wild unknown country of Portpool ; he returned every night to St. Bartholomew's to sleep !

But in the 11th and 12th centuries attempts were successfully made to embank a portion of the Thames and the Fleet brook. Thus much of the marshy ground came to be meadows which by their beauty attracted a few bold persons to come and live outside the City walls. At first these were chiefly ecclesiastics ; as monasteries and churches were less likely to be attacked by robbers and housebreakers than private dwelling houses ; and priests could rely both on their sanctity and their poverty. The churches of St. Bride and St. Dunstan were built on the west side of the Fleet, and in 1115 we know that the Dean and Chapter of St. Paul's owned four tenements *ultrâ Fletam*, one of which was occupied by a loriner. There must have been some road or lane by which folk could go to these churches and to this loriner's. This is the beginning of Fleet Street. Then about 1150 or a little later the Lud Gate was opened and a bridge of some kind was no doubt made across the Fleet. King Lud never had anything to

do with this gate ; it was not even named after him. The word "ludgate" simply means the back gate, the postern gate.

For centuries there had been wrangling between the City of London and the Abbot of Westminster as to how much of the marshy ground south of the Holborn road belonged to each of them. At last in the reign of Henry II—about the year 1183—this dispute was settled, and a clear line was drawn separating the two dominions, which to the present day is still the boundary between the City of London and the City of Westminster. This line ran for the most of its course along the middle of the high ground between the Fleet brook and the Old Wych. It started from the New Gate, crossed the Fleet brook, and came up Holborn Hill. It ran along to where in the map are shown "Holborn Barres," and then going almost due south, it came to where Temple Bar afterwards stood. At first there were only two posts and a chain there to guard the new entrance to the City ; this was known as the *Barra Novi Templi* as early as 1301. Later a gate of stone was built there, but not the Temple Bar which we older men so well remember ; that was built by Sir Christopher Wren in 1672, and removed in 1879. The boundary line between the two cities then passes due south through the corner of Messrs. Twinings' tea warehouse at the top of New Court, then by Ruth Pinch's fountain and through



Garden Court. It cuts off a small portion of our library, and emerges on the Thames Embankment just where, as you know, there is a monument to Queen Victoria on the railings of the Middle Temple Garden.

And along this line some kind of fortification was built, though nothing like so strong as the Roman Wall. We will call it the "new wall" for the sake of distinction. The area between this new wall and the old Roman Wall was at once treated as a suburb of the City and placed under civic rule, although it was not till 1223 that it was expressly declared to be a City ward. It was called at first the ward of Holborn and Fleet Street, and later the ward of Farringdon. Half of our Inns of Court and of Chancery lay within this new ward, and half without it. Thus it contained both the Inner and the Middle Temple, Staple Inn, Barnard's Inn, Thavie's Inn, Clifford's Inn, and both the Serjeants' Inns; while Lincoln's Inn, Gray's Inn, Clement's Inn, and New Inn never were within the City of London.

Now let us pass over some three or four centuries and see how things stood in the early days of Queen Elizabeth. Our map shows us the legal quarter of London as it was in the year 1563. There is the Fleet brook, with a bridge over it at the foot of "Fleete hyll," and the Ludgate at the top of that hill; there is the Strand Bridge still marked; but the Old Wych has disappeared, and

the ford, it would seem, has been wholly forgotten ; since instead of the curving Milford Lane, our map shows us a new and perfectly straight "Mylforth Lane" as though it were the artificial effluent of a mill. There stands a Hall in the Middle Temple—not this one but its predecessor ; for the great Plowden commenced to build this hall in 1562 and completed it in 1571. There are no buildings shown on the northern portion of Lincoln's Inn, and only two small buildings in Gray's Inn, no doubt its old hall and chapel. But there are the Gray's Inn walks in which Queen Elizabeth paraded with Bacon in attendance, and there is the wall at the top of the gardens, behind which young Shallow fought with one Sampson Stockfish, a fruiterer, on the very same day that John Falstaff "when he was a crack, not thus high" broke Skogan's head at the Court gate.<sup>1</sup> There is an open common, with footpaths across it, which we now call Lincoln's Inn Fields. Further out to the west there is a convent in a garden ; we now call that area Covent Garden, but the map still rightly spells it "Convent Garden." Away among the fields to the north you see St. John's of Clerkenwell—Clerkenwell, where the Knights Hospitallers of St. John chose to take up their dwelling ; and to the north there is a church, which I

<sup>1</sup> See *Henry IV*, Part II, Act III, sc. 2. Note that Mr. Justice Shallow does not mention the result of his encounter with Stockfish.

think must be in Islington ; and then nothing till the distant hills of Highgate and Hampstead.

But we must now return and briefly trace the history of each separate Inn.

### THE KNIGHTS TEMPLARS.

It was in the year 1118 that the Knights of the Holy Sepulchre at Jerusalem (or, as they sometimes preferred to style themselves, "the soldiers of Jesus Christ of the Temple of Solomon") first came to England. They were bound by strictest vows to poverty, chastity, obedience, to succour the Holy Land, and especially to "save the Holy Sepulchre from thrall." But they did not always devote the whole of their time to compliance with these vows. Being both soldiers and ecclesiastics, they did not fear to live outside the Roman Wall ; so they settled on a vacant piece of land on the south side of Holborn between the future Staple Inn and the top of the future Chancery Lane. There they built a hall and a round chapel. All the churches dedicated to the Holy Sepulchre were round. They remained for over forty years on this site, which was afterwards known as the "Old Temple."

When the Templars came to England it was natural no doubt for them to settle near Holborn, for that was then the only road out of London on the western side. But towards the close of the 12th century a different state of things existed.

Engineering work had been carried out. Ludgate had been opened; a road had been carried, presumably by a bridge, across the lower Fleet and along what we now call Fleet Street; and eventually the Templars, wanting more room than they could get in Holborn, where houses were springing up all around them, obtained the grant of a fine open meadow sloping down to the Thames on the southern side of the new road, and there built a great house and a second round church. They also acquired a field on the north side of the new road which we have already mentioned; it was called Fickett's Field, and extended from the Church of St. Clement Danes almost to the future Chancery Lane. This field they used for tilting; and doubtless the forge in the south-east corner of it, for which the City still pays, I believe, a rent to the Crown, was the place where the armour of the Templars was fitted and riveted, and their horses shod.

The exact date when the Knights Templars left the Old Temple,<sup>1</sup> and settled in their new habitation, cannot now be definitely fixed, but it was

<sup>1</sup> The Old Temple was purchased by Chesney, Bishop of Lincoln (1148-1167) previous to 1162. This Inn of the Bishops of Lincoln was for nearly 400 years their only town residence, and was known as Lincoln House. Here resided John Russell, Bishop of Lincoln, who was Chancellor of England in the reign of Richard III. In 1547 it passed from the Bishops of Lincoln to the Earl of Warwick and from him by exchange to the Earl of Southampton, after whom it was called Southampton House. The present Southampton Buildings occupy nearly the same site.

probably about the year 1162. At first they had no chapel of their own; they held their services in the Church of St. Clement Danes, over which King Henry II gave them certain rights, but they were busy building the circular portion of our present Temple Church. And on February 10th, 1185, this was consecrated by Heraclius, Patriarch of the Church of the Holy Resurrection, Jerusalem, in the presence of King Henry II, his consort, and his court. And very proud are we to have inherited the matchless specimen of pure Norman architecture which King James I in his Charter of 1608 still described as "the Church of the New Temple of London." There are but two other examples of true Norman work above ground in London—the Chapel of St. John, at the Tower of London, and the Church of St. Bartholomew the Great at Smithfield—though there are two or three Norman crypts in the City under ground.

Later, in 1220, was built St. Ann's Chapel, the crypt of which is still to be seen. The Templars also erected a noble refectory of stone, which stood upon the site of the present Inner Temple Hall; indeed two arched crypts, which belonged to the refectory, are still standing there. And here the Templars lived in pride and pomp. They associated only with the nobles. King John himself came and lodged with them for a week at a time. They looked down upon the knights of all other religious orders; and at last their arrogance

was their ruin. At the beginning of the 14th century, grave charges were brought against them, most of which I believe were unfounded. They were accused, among other things, of conducting in secret unholy Rosicrucian ceremonies and other mystic rites, which they were said to have brought from Palestine. An inquiry was held in St. Dunstan's Church in 1312, and the charges were declared to be proved. Under rigorous cross-examination and probably under torture, some of the weaker brethren confessed to crimes which they had never committed, and, what was worse, to heresies, which they possibly may have held. All the property of the Knights Templars was confiscated, and they were expelled from the kingdom in the year 1313.

There were many reasons for their expulsion. First and foremost they were reputed to be very wealthy. Then they had done nothing for many years in performance of their vows. The Knights Hospitallers of St. John of Jerusalem were jealous of them. Lastly, the Pope turned against them, and then their doom was sealed. But the King obtained little or no booty from his cruel and unjust treatment of the Knights Templars. The Pope intervened on the ground that their property was consecrated, and by a decree made at Vienna in 1312, gave their possessions in England to the rival Knights of St. John, who continued to hold them till the dissolution of the monastic orders

under Henry VIII. This property included what was afterwards known as the Inner and Middle Temple.

But the Knights of St. John found their new acquisition rather a white elephant. They preferred the open country at Clerkenwell in which they had been for several years comfortably established. They had, moreover, a struggle with the King before they could obtain possession of the 'Templars' Hall, for that monarch had put into possession of it, first Aymer de Valence, Earl of Pembroke, and then his own uncle Thomas, Earl of Lancaster. But the latter nobleman was murdered in 1322, and in 1324 the Pope again insisted that all the property of the Templars must be handed over to the Knights of St. John, lest, as the decree ran, "the same should be put to profane uses." And so some twenty or thirty years later, in order to make perfectly sure that none of the property should be "put to profane uses," the Knights of St. John very properly handed it over to the lawyers!

But who were the lawyers and whence did they come?

## THE RISE OF THE LEGAL PROFESSION.

Strange to say, our primitive ancestors seem to have lived very comfortably without the help of any lawyers. They do not appear to have had any need of such assistance. Every freeholder

knew his own rights, and when any dispute arose between his neighbours, he was perfectly willing and competent to act as prosecutor, witness, jurym<sup>an</sup>, or judge—or indeed to act in all four capacities at once! In Anglo-Saxon times there were no professional lawyers in England; and advice on legal matters could only be obtained for what it was worth from priests.

So under our Norman kings it was the rule at first that everyone had to be his own advocate in any litigation, civil or criminal, unless he had express permission to appoint a deputy who was called his "attorney." The King had an Attorney-General and a Solicitor-General, and so had the Queen, the Prince of Wales, and some of the Royal Princes and other great nobles; but an ordinary person had to plead his own cause. Soon, however, it became the custom to allow women, children, and infirm old men to appear by attorney, and such attorney often had literally to fight for his principal. Such champions or attorneys acted without remuneration each for his own friend, and probably on one or two occasions only in his life. Then there were persons who held themselves out as advisers on matters of law, though they did not appear in court. Originally they were priests or deacons or ecclesiastics of some minor grade. Many of them had crossed over to England from the Continent, and though they were learned both in the civil and the canon law, they knew little or



nothing of the Saxon law which the Conqueror had promised to maintain ; hence whenever they advised on it they, either intentionally or unconsciously, cast it into a form more familiar to Continental lawyers. But under Stephen and Henry II most of them had perforce to make themselves acquainted with Anglo-Saxon customs, especially those affecting the tenure of land.

There gradually arose, however, a class of men who devoted themselves to the study of English law, and who were not priests. In 1207 the clergy were prohibited by their canons from practising in the secular courts ; and in 1215 the Court of Common Pleas was fixed by Magna Carta "in one certain place." Thereupon many persons made a habit of attending the sittings of this court and noting its decisions. They thus acquired a knowledge of the procedure of the court as well as of the law of the land, and were willing to act as advocates in court and also to assist suitors in preparing their cases for trial. Further, in the year 1254, the clergy were forbidden to teach the Common Law by a Bull of Innocent IV.

We know that previously to this time lay students of the law had gathered around certain churches in the City of London, living in hostels in the immediate neighbourhood, and arguing questions of canon law with the priests. And although the courts were subsequently held at Westminster, the students and apprentices of the

law continued to occupy their former homes, probably because they did not dare to live outside the Roman Wall. These men soon split up into small groups, each group living under one roof, and taking the principal meal of the day together—or as they called it, having commons together—as was already the custom also at the Universities of Oxford and Cambridge, and governed by their Benchers as those colleges were by their Fellows. In the reign of King John—if we may trust Lord Coke—these small groups grew into “schools of law” in which “divers men learned in the law taught, such as resorted to them, the laws of the realm.” But my Lord Coke is more reliable as a lawyer than as an antiquarian. These schools were, it is said, closed by King Henry III in 1234 by a writ addressed to the Mayor and Sheriffs of the City, the exact significance of which is, however, far from clear. Anyhow, it appears to have in no way affected the happiness or the development of these legal societies.

### THE TEMPLE.

Spenser in his “Prothalamion” speaks of

“those bricky towers  
Where now the studious lawyers have their bowers  
There whylome wont the Temple Knights to byde  
Till they decayed through pride.”

And it is a fact no doubt that the land which the Knights Templars had owned within the new City wall was leased at ten pounds a year by the

Knights of St. John of Jerusalem to certain professors and students of the law, probably about the year 1354. The exact date is unknown, still less do we know to what lawyers it was leased. Was it to an accidental group of lawyers, who had never previously been associated? Was it to a society of lawyers, who at that date were already living in a neighbouring hospice? Or did they, as some maintain, divide the Templars' lands within the new City wall between two already existing societies of lawyers who had previously been occupying separate hospices? These questions we cannot answer positively, because we have not the deeds. In the year 1381 the followers of Wat Tyler went to the Temple, broke into the Church, seized all the books and papers, and all the reports of cases which were in the lockers of the apprentices of the law in the Temple, took them up to the high road, and burnt them there.

Up to some thirty years ago we were always told that there was at first but one society of lawyers in the Temple, that the lease to it comprised the whole of the land within the new wall of the City, that this land, though still called the New Temple in the deed of demise, soon came to be called the Inner Temple to distinguish it from the portion outside the City boundary which was called the Outer Temple—that at some unknown later date the land demised was for some reason divided, and the western portion of it termed the Middle

Temple. Personally I think there is still a great deal to be said in favour of this orthodox belief. But a modern heresy now prevails that the two societies were from the first distinct, that the first members of the Inner Temple came from Clifford's Inn, and the first members of the Middle Temple from St. George's Inn—and this although Dugdale tells us that in his time the tradition in the Temple was that the Templars came from Thavie's Inn.

There is no doubt some reason to believe that while the Knights Templars occupied this land there were on it two halls, one their Refectory which was on consecrated ground because the prior slept over it, and another hall, on unconsecrated ground occupying a portion of the site on which at present stand Pump Court and Elm Court between the Cloisters and Middle Temple Lane. And I believe that my friends, the antiquaries of the Inner Temple, maintain that their Inn succeeded to the consecrated portion of the land from which the Templars were exiled, while we of the Middle obtained only the unconsecrated portion. This theory is, however, a little inconsistent with the undoubted fact that the Middle Temple owns half the Temple Church and the greater portion of the churchyard. And there is no reason why the same society may not own two halls; Lincoln's Inn does so at the present moment.

All these problems will no doubt be solved by the two gentlemen who on Monday next and Monday week will lecture on the Inner and Middle Temple respectively ; they will also take up the story and tell you what happened in each Inn in later days. This much, however, is certain—that within sixty or seventy years of the lawyers coming to the Temple the two Inns were separate and distinct societies. There is a manuscript entry in an old book at Lincoln's Inn, written in the year 1422, which alludes to "the Middle Temple," and in the year 1440 in the Paston letters we find one of the Pastons writing to his son and bidding him "quan your leysyr is, resorte ageyn on to your college, the Inner Temple."

### THE OUTER TEMPLE.

The lands of the Knights Templars which lay outside the new boundary between the City of London and the County of Middlesex came naturally to be known as the Outer Temple. The lawyers never got possession of any of this ; indeed they apparently preferred to be safe within the City wall. There was a meadow close outside the wall sloping down from the Strand to the Thames, and this the Knights of St. John of Jerusalem in the reign of Edward II demised to Walter Stapleton, Bishop of Exeter, who built a house on it in 1308, and in this house he and his

successors in the see of Exeter dwelt for two centuries or more. It was called Exeter House. The gardens stretched down to the Thames, and there was a landing place there from which the bishop could take boat either to Westminster or to the City.

Then at the Reformation Lord Paget of Beaudesart purchased Exeter House from the Crown and made it his town residence. This is the nobleman to whom Spenser alludes in his "Prothalamion." Next the Temple, he says,

"there standes a stately place,  
Where oft I gayned giftes and a goodly grace  
Of that great Lord, which therein wont to dwell,  
Whose want too well now feeles my freendles case."

And you will note that in our map the landing stage is still named Paget Place. Then in the reign of Queen Elizabeth the Earl of Leicester acquired possession of Exeter House with its long garden; and from him it passed to his step-son Robert Devereux, Earl of Essex, who enlarged and beautified it and re-named it Essex House. And there he lived in state just outside the City of London until he took it into his foolish head to rebel against Queen Elizabeth, his best friend. He planted cannon on the old walls of Essex House, thinking to overawe the Londoners. He marched into the City with a few followers, and finding the citizens all opposed to him, he had to beat a hurried retreat from Guildhall to the Thames and speedily take boat back to Paget

Place and so to his own house, where shortly afterwards he was arrested, and his house was forfeited to the Crown. This was in 1601. In the next reign (1613) the Elector Palatine came to wed the daughter of King James I, who gave him Essex House for his residence. The Elector was known as the Palgrave of the Rhine; that is why a court which was later built close by was named Palgrave Court. Much history lingers in the names of streets and houses. The parliamentary general, Essex, was born and also died in Essex House. Finally, Dr. Barbon, the brother of "Praise God Barebones," bought it, and built Devereux Court and Essex Street on the site. This was about 1682. Jury presentment lists still exist of the persons liable to be rated to the maintenance of the Essex Street Sewer in the years 1683 and 1695. A portion of the old house remained standing until 1777, when it was pulled down by its owner, Samuel Paterson, an auctioneer. And so the Outer Temple disappears from the page of history.

Now let us cross the Strand. On the north bank of the Old Wych lay Fickett's Field. On this now stands Clement's Inn, the Royal Courts of Justice, and the greater portion of New Square, Lincoln's Inn. This field belonged first to the Knights Templars; it was, as we have seen,<sup>1</sup> their tilting ground. Then it became the

<sup>1</sup> *Ante*, p. 16.

property of the Knights of St. John of Jerusalem. On the dissolution of the monasteries in the reign of Henry VIII, Fickett's Field reverted to the King. It was still Crown property in the year 1639 when a licence was granted to Thomas Newton to build fourteen houses on a portion of it, and in 1641 when a licence to build on another portion of it was granted to the Earl of Carnwath. Then Shire Street, afterwards called Serle Street, and later many other meaner houses were built on it. In the days of George II and George III the spot had a very evil reputation. I well remember the net-work of wretched little streets and alleys which stood on the site of the present Law Courts when I first came to the Temple. But now these have been all cleared away ; and where the Knights Templars formerly tilted, modern Templars still contend.

#### LINCOLN'S INN.

As we have already seen, the ecclesiastics were the first to venture outside the City walls; take, for example, the Bishop of Ely who lived at Hatton Garden, and the Bishop of Exeter who took up his abode in the Outer Temple. So it was that when Ralph Neville, the great Bishop of Chichester, needed a town house for himself and his successors in that see, his eye fell on the meadows to the immediate north and east of Fickett's Field just outside the new City boundary. And there he



built himself a stately mansion in the year 1227 in which he died in 1244. This mansion must have occupied a portion of the site of Lincoln's Inn old hall and of the buildings which touch it on the southern side. And behind his house was a garden, to the north of it a paddock, and on the east side of garden and paddock a coneygarth, or warren for tame rabbits. These probably stretched as far north as the back gardens of the houses on the south side of Holborn.

You can find out for yourself exactly where the Bishop's mansion stood. Walk up Chancery Lane from Fleet Street, cross Carey Street (which did not then exist) and before you come to the Old Gateway of Lincoln's Inn you will find on your left hand side two courts—Chichester Rents and then Bishop's Court. These names still commemorate the approach to the Bishop's house and identify its situation. And in this house successive Bishops of Chichester lived for nearly two hundred years. One of them, John de Langton, was Chancellor of England from 1292 to 1302 and again from 1307 to 1310. After him, it is said, the lane on the east side of his house was called Chancellor's Lane, which is now corrupted into Chancery Lane. The last Bishop of Chichester who occupied this house died there in the year 1412; his successor preferred to live elsewhere.

What happened in the next ten years we do not know for certain; but by the year 1422 we find

the Society of Lincoln's Inn in occupation of the Bishop's house and grounds which is thenceforth called by the quaint name of "the Inn of Lincoln's Inn." The records of the Society begin in 1422, and the first book is entitled *Liber Hospice de Lincolnsin*. And this book contains entries which show that at this time the Society was paying rent to the Bishop of Chichester for the occupation of his premises, or at all events of a considerable part of them. The exact date of the demise is not known, but it must have been between 1412 and 1422. In the 16th century the Society purchased the freehold from Bishop Samson.

But the strange thing is that this Society had already taken the name of Lincoln's Inn and later assumed the arms of the De Lacys; it never took the name of Bishop's Inn or Chichester Inn. Why was this? Mr. Douglas Walker will no doubt give you next term the true explanation of this problem, which seems to puzzle all our legal antiquaries. I confess it is a mystery to me.

There was no doubt at the beginning of the 14th century a great man living in this neighbourhood—Henry De Lacy, Earl of Lincoln and Salisbury. His mansion stood in Shoe Lane on the slope of Holborn Hill rising above the Fleet brook to the south-west of St. Andrew's Church. He owned the whole manor of Holborn, having purchased it in 1286 for 550 marks from the Black Friars who had lived there from 1215; and on the

flat portion at the top of the hill he made extensive gardens. He was a valiant knight, an able statesman, and a learned lawyer; he was also a successful market-gardener. He made a considerable sum of money (for those days) by the sale of his fruit and vegetables; and he was famous for the beauty of his gardens. These gardens must have bordered on, or formed part of, the northern portion of the Bishop of Chichester's domain, between what are now Stone Buildings and the new Hall and Library. The Earl died at his house at the north-east corner of Shoe Lane early in the year 1311.

Now Dugdale tells us that in his time there was a tradition "among the antients" of Lincoln's Inn that the Earl of Lincoln, either by will or by deed during his life, transferred his manor house to "the professors of the laws"; and it is claimed that this was the origin of the Society of Lincoln's Inn. If so, Lincoln's Inn is entitled to maintain that it is the oldest of the Inns of Court; for when the Earl of Lincoln died the Knights Templars were still here. But I note that Dugdale—careful writer—when repeating the story, adds this word of warning, "direct proof thereof, from good authority, I have not as yet seen any." And note that it is his house in Shoe Lane, and not his gardens at the top of Chancery Lane, which according to this tradition the Earl handed over to the professors of law. Henry De Lacy never resided on any portion

of the territory now owned by the Society of Lincoln's Inn. If you will look at our map, you will see that as late as 1563 there was no building on that domain north of the Old Hall, which was finished in 1507. And there is not the faintest evidence to show that any professors of law ever occupied the Earl's house in Shoe Lane.

To get over this difficulty, it has recently been suggested that what the Earl gave to the lawyers was not his residence but Thavie's Inn, which stood at a little distance from it on the other side of Shoe Lane. But again there is not the faintest evidence to show that the Earl owned the house which was later called Thavie's Inn. On the contrary, we know that at the date of the Earl's death this house was the property of one John Thavie, an armourer, who died in 1348 and left the house to trustees for his widow Alice for life, and after her decease for the maintenance of a chaplain who was to pray for the souls of them both. It is true that he describes the house as the one in which the apprentices of the law were wont to dwell ("in quo apprenticii ad legem habitare solebant"); but this is quite consistent with the apprentices having left the place before the date of the will. Certainly neither John Thavie nor the Earl of Lincoln ever devised this house to any professors of the law. And it was not till long after the death of both of them that the house was known as Thavie's Inn. So the mystery remains unsolved—till next term.

It is possible no doubt that the Society had at some earlier date been in possession of some corner of the Earl of Lincoln's gardens, which, as we have seen,<sup>1</sup> were close to, if not part of, the Bishop of Chichester's domain. There is indeed a tradition, which has an air of probability about it, that the students of Lincoln's Inn used to climb up on the mud wall which divided their premises from the Bishop's coneygarth, and shoot his lordship's conies with bows and arrows! This would account too for the gradual disappearance of the rabbits, which subsequently led people to forget the true meaning of the word coneygarth and corrupt it into coninger; for at a later date the spot is referred to as Coninger Field, and is now part of the gardens of Lincoln's Inn.

#### LINCOLN'S INN FIELDS.

To the north of Fickett's Field and to the immediate west of the coneygarth of the Bishop of Chichester lay two open meadows called Cup Field and Purse Field. The former of these, like Fickett's Field, belonged in the 15th century to the Knights Hospitallers of St. John of Jerusalem; the latter to the Hospital of St. Giles. On these two meadows now stand the beautiful square and garden which we call Lincoln's Inn Fields. On the dissolution of the religious Orders these pastures became

\* *Ante*, p. 31.

Crown property ; and they remained for nearly a century an open and neglected common with foot-paths running across it as you see it on the map.

In the early part of the 17th century great alarm was felt at the increase in the number of new houses in London and King James I issued a proclamation—by what right or authority I cannot tell you—prohibiting the erection of any building within three miles of the gates of the City without special licence. This saved the fields from being built on. On March 24th, 1613, Sir Charles Cornwallis applied to the Crown for a licence to build a house on Purse Field ; but the Society of Lincoln's Inn successfully resisted his application, and no licence was granted. Nay more, on August 31st, 1613, the Privy Council issued instructions to certain local magistrates requiring them "to restrayne and forbid" building on the fields "by such effectuall means as you shall think meete." And in 1618 a commission was issued by the Privy Council to Inigo Jones and others bidding them to survey the fields and "convert them into walkes" and thus "to frustrate the covetous and greedy endeavours of such persons as daylie seeke to fill upp that small remaynder of Ayre in those parts with unnecessary and unprofitable Buildings which have been found the greatest meanes of breedinge and harbouring Scarcity and Infection, to the generall inconvenience of the whole Kingdome."

But, notwithstanding these brave words, the

work does not seem to have been carried out. And in 1638 a licence was granted to William Newton of Beddenham in Bedfordshire, in spite of the protests of the Honourable Society of Lincoln's Inn, to erect thirty-two houses on the fields. Newton, however, when selling land for building houses on the west side, expressly covenanted that no house should be erected between these buildings and the wall of Lincoln's Inn. The north and south sides were completed before the Restoration; but the Inn has succeeded in preventing any houses being built on the east side; and this so remains to the present day.

But in spite of the fine new houses which were rising on the north, west, and south the ground in the middle was not kept in good order; sand and gravel were dug out of it anywhere; it was the haunt of idlers and beggars in the daytime and of evil disposed persons at night. Later wooden posts and rails were placed around it, but it still remained a wild and desolate spot. Those who begged from passers by in the daytime were not really the wounded soldiers that they pretended to be, but ruffians who if you chanced to walk across the fields at night would knock you down with the very crutch which had been the means of exacting from you charity in the day; so that a "Lincoln's Inn Mumper" became the popular title for a fraudulent beggar and thief. Or as the poet Gay puts it in his "Trivia," written in 1716:

“Where Lincoln’s Inn’s wide space is rail’d around,  
Cross not with venturous step ; there oft is found  
The lurking thief, who, while the daylight shone,  
Made the walls echo with his begging tone ;  
That crutch, which late compassion mov’d, shall wound  
Thy bleeding head, and fell thee to the ground.  
Though thou art tempted by the linkman’s call,  
Yet trust him not along the lonely wall ;  
In the mid-way he’ll quench the flaming brand,  
And share the booty with the pilfering band.  
Still keep the public streets where oily rays,  
Shot from the crystal lamp, o’erspread the ways.”

The field was also used for breaking-in and exercising horses ; as the Right Honourable the Master of the Rolls, Sir Joseph Jekyll, found to his cost on the evening of June 6th, 1733.<sup>1</sup> When crossing the fields he was ridden over by a boy who was airing a horse there. By this accident he was much bruised and shaken and for a while he was dangerously ill ; but he soon afterwards recovered. This occurrence led to the enclosure of the fields and the construction of gardens now in existence there. This was effected by an Act of Parliament passed in 1735 (8 Geo. II. c. 26) under which the inhabitants on June 2nd, 1735, elected twenty-one trustees whose duty it was to “raise money sufficient to inclose, clean, and adorn the said Fields” ; and from that time forward all persons were forbidden to ride horses or to lay rubbish thereon. The necessary funds were raised by a rate on the inhabitants. And thus, to quote the words of a contemporary newspaper, Lincoln’s

<sup>1</sup> Harris’s *Life of Lord Hardwicke*, Vol. I., p. 231.



Inn Fields "from a heap of rubbish and a receptacle of ruffians and vagabonds, is made one of the finest squares in the world." In 1894, in pursuance of the London County Council (Improvements) Act, the County Council purchased the interests of the trustees for the sum of £12,000 and converted the fields once more into an open space for the enjoyment of the public.

There are many historical events of interest connected with Lincoln's Inn Fields. It was here that in 1586 Anthony Babington and his fellow-conspirators were executed. The front of the Inns of Court Hotel stands on the site of the old Blue Boar Inn. The story runs that news came to Cromwell that a letter was being sent by King Charles I to his Queen abroad, and that it was sewn in the saddle of a soldier who was riding from Oxford to Dover. The Blue Boar was on the road from Oxford, and it was thought probable that the soldier would stop there. Cromwell and Ireton disguised as troopers waited at the Blue Boar. The man came as was expected, dismounted, put his horse in the stable, and entered the Inn where he was detained. Cromwell and Ireton cut open his saddle in the stable, took out the letter and stitched up the saddle again. The man was then allowed to continue his journey, in blissful ignorance of the whole affair. He apparently never knew either that there was a letter in his saddle, or that it had been removed.

But it proved to be a letter of the greatest importance ; it showed that the King was guilty of treachery, and directly led to his trial and execution.

Near Lincoln's Inn Fields lived Lord William Russell, patriot in the time of Charles II, who was scandalously and illegally convicted of complicity in the Rye House Plot. He was brought there to be beheaded on July 21st, 1683, because it was the largest open space near his dwelling. James, Duke of York, who was very bitter against him, was anxious that he should be executed opposite his own house ; but King Charles said, " No, he is of noble birth ; let him be executed in Lincoln's Inn Fields." There was a Franciscan monastery attached to No. 54, Lincoln's Inn Fields. As soon as King James II fled the kingdom, the mob broke into the monastery, carried out all the Papal emblems and burnt them in the centre of the Fields.

Duels were constantly fought in the seclusion of Lincoln's Inn Fields ; an especially desperate one was fought there on a May morning between the Earl of Clare and the Earl of Thanet, who had married sisters. The cause of their quarrel was this—that their common father-in-law had left all his property to the Countess of Clare and her husband.

Many persons of distinction have resided in Lincoln's Inn Fields. John Milton lived in a little

house in Holborn with a garden running down to the Fields at the time of the execution of Charles I. Nell Gwynne subsequently lodged on the south side of the Fields, on promotion from Drury Lane. Sir John Soane (1752-1837) lived for many years and died in a house on the northern side. He began life as a bricklayer and rose to be a famous architect. He collected many rare jewels, pictures, statues, and other curiosities, which are still in his house; it is now open to the public as a Museum and is well worth a visit. There are many beautiful houses on the west side of the square, which were formerly occupied by noblemen, such as the Duke of Somerset and the Duke of Newcastle. The Sardinian Ambassador lodged there by Sardinia Chapel; his house was pulled down only a few months ago. At No. 55 Alfred Tennyson lodged for a while. At No. 58 lived John Forster, the friend of Dickens. Dickens visited the old house and admired it, and there he located Mr. Tulkinghorn, the family solicitor in "Bleak House." The Old Curiosity Shop is close by. Almost every house in this portion of the legal quarter of London has its reminiscences, not only of lawyers, but also of literary men.

The same may also be said of the portion which lies to the immediate east of Chancery Lane. There is much to be told of Serjeants' Inn, of the Liberty of the Rolls (a small part of which is on the west side of the Lane), of Cursitor Inn in

which in olden time dwelt the officers of the local courts of the City of London, of Cursitor Street in which so many impecunious heroes both of real life and of romance "languished in durance vile," and of Took's Court, a turning out of Cursitor Street, in which Sheridan spent much of his early manhood against his will ! But time does not permit me to tell you the story of these secluded haunts. We must cross Holborn and wander into Gray's Inn.

#### GRAY'S INN.

Gray's Inn also lies wholly without the City boundaries ; for though it is in the parish of St. Andrew's, Holborn, none of it is within the ward of Farringdon. It is, in all probability, as old or nearly as old as the other Inns of Court. Stow records a tradition current at the Bar in Elizabeth's reign that Gray's Inn had been an Inn of Court since the days of Edward III. And I expect that my friend Mr. Duke will claim even greater antiquity for his Inn next term.

I have already told you<sup>1</sup> that the site of Gray's Inn is within the Manor of Portpool ; and this Manor undoubtedly belonged in 1307 or 1308 to Reginald, Lord Grey de Wilton, Chief Justice of Chester. But there were no lawyers there during his lifetime. The precise date at which the students of law ventured to come outside the City

<sup>1</sup> *Ante*, p. 11.

walls and settle in or near the ancient manor house of Lord Grey de Wilton cannot be precisely ascertained. They came no doubt from the Inns of Chancery on the south side of Holborn, and especially from Staple Inn and Barnard's Inn. One thing, however, is certain. I have already quoted the Paston letters, and it is marvellous what valuable things we find in that collection of letters, discovered almost by an accident. In 1454 William Paston wrote to his father that when on a journey he had met Sir William Bylling, Chief Justice of the King's Bench, and this learned judge said to him: "I was a felaw in Gray's Inn along with Ledam"; so that there must have been a fully-constituted Inn, either of Court or of Chancery, on this spot at or about the accession of Henry V.

In 1505 the ninth Lord Grey de Wilton, by indenture of bargain and sale, assigned "to Hugh Denys, Esquire, his heirs and assigns, the manor of Portpoole, otherwise called Gray's Inn, including two messuages, four gardens, the site of a windmill, eight acres of land, ten shillings of free rent, and the advowson of the chantry of Portpoole afore-said." Some eight years later, 1513, the prior and convent of Shene (that is Richmond, in Surrey), bought the manor from Denys' trustees. In 1516 a society consisting of two serjeants and four barristers took a lease of the manor of Portpool, from the Prior of Shene for 10s. a year and a fine

of £6 13s. 4d. On this manor still stood the ancient house of the Lord Grey de Wilton of which probably this society was already in occupation. The manor escheated to the Crown at the dissolution of the monasteries, but Henry VIII renewed the lease, and the Inn has long ago bought the freehold.

The beautiful Hall of Gray's Inn was finished in 1563—eight years before this building, which it much resembles, was completed. At this time, as you will see by Agas' map two years later in date, houses had been built all along the Strand as far as Charing Cross and along Holborn almost as far as Southampton Row. Warwick Court was already in existence, but there was at this time no entrance into South Square from Holborn; that was made by Francis Bacon at a later date. Gray's Inn was approached by a gate leading into Gray's Inn Square to the north of the chapel and the Hall; that is why the old gate of the Hall is on its northern side. And once more I would point out to you how history lingers in the names of streets. There is still a street called Portpool Street, which runs in a line with Hatton Wall from Leather Lane to Gray's Inn, which it strikes to the north of the chapel and the Hall. This was no doubt a short cut from the bottom of Holborn Hill to the Manor of Portpool, and later to the northern gate of Gray's Inn.

To sum up, then, it is clear that all four Inns of

Court were fully established as distinct societies by the end of the 14th century. Indeed there is good reason for supposing that they were accepted as general schools of law, and had acquired by long custom recognised privileges as early as 1350, although they held no charter from the Crown.

### INNS OF CHANCERY.

I have already told you how the professors and students of the law came to live in separate hostels, and gradually formed themselves into private Societies, closely resembling the colleges of Oxford and Cambridge, and governed by their Benchers as those colleges were by their Fellows. They had nothing to do with the City guilds. The residents in each of these hostels were divided into two classes—the teachers or masters of law, and their apprentices. And from these societies are derived both the Inns of Court and the Inns of Chancery. In the Inns of Court dwelt those advocates in the Courts who had not arrived at the degree of serjeant-at-law, and also the more advanced apprentices. In the Inns of Chancery resided the Clerks of the Chancery, who prepared the original writs for all the King's Courts, and also the younger apprentices who copied these writs and thus acquired some elementary knowledge of civil procedure. We have already dealt with the Inns of Court ; but there is much which might be said about the Inns of Chancery.

According to Sir John Fortescue, who wrote in 1470, there were "ten lesser Inns, and sometimes more, which are called the Inns of Chancery, in each of which there are an hundred students at the least." Lord Coke knew only of eight. Stow tells us that in these Inns of Chancery there "live and common together attorneys, solicitors, and clerks belonging to the Courts, as well of mere and strict law as of equity and conscience."

With the possible exception of Simond's Inn and Staple Inn, the Inns of Chancery differed in their constitutions in no essential particular from the Inns of Court. But the main distinction between these two classes of Inns was this—that the Inns of Court could call men to the Bar and thus confer upon them the privilege of acting as advocates in the King's Courts. This no Inn of Chancery could do. How the Inns of Court acquired this privilege—in the face of the ordinance of King Edward I, who in 1292 expressly conferred this power on the judges of the Court of Common Pleas,<sup>1</sup>—it seems now impossible to discover. But it is clear that from the earliest times of which we have knowledge, it was the Benchers of the four Inns of Court and not the judges of the Common Pleas that possessed the exclusive right of enabling a man to practise as advocate in any of the superior courts at Westminster. Nor is it clear why the

<sup>1</sup> *Post*, p. 122.



Inns of Chancery did not possess it also ; for some of these—Thavie's Inn, for instance—appear to have existed before any of the present Inns of Court. But the four Inns of Court in some way acquired the mastery, while the Inns of Chancery fell into the second rank, and were eventually parcelled out among the Inns of Court. Thus to the Inner Temple were attached Clifford's Inn, Clement's Inn, and Lyon's Inn ; to the Middle Temple, the Strand Inn, New Inn, and a third, of which even the name is now forgotten ; to Lincoln's Inn, Thavie's Inn and Furnival's Inn ; and to Gray's Inn, Staple Inn and Barnard's Inn.

The Inns of Chancery served as preparatory schools for the Inns of Court up to the end of the sixteenth century. There being no printed books in early times, instruction in law was given orally. Each Inn of Court appears to have periodically sent to every Inn of Chancery attached to it a reader, accompanied by two "utter barristers," who there discussed points of law and presided over "moots." This Committee of three had the power of bringing over each term the two most promising students of the Inn of Chancery and passing them into the Inn of Court. Hence many students entered an Inn of Chancery in the first instance and were thence transferred to an Inn of Court. Throughout the Tudor period this custom was generally observed, though by the time of Sir Matthew Hale it had become obsolete.

After the year 1650 the attorneys who had been excluded from the Inns of Court gradually obtained entire control of the Inns of Chancery, which now have all ceased to exist.

### ST. GEORGE'S INN AND NEW INN.

St. George's Inn must be mentioned first ; for Stow tells us that it was "thought to be the ancientest Inn of Chancery." It stood in Seacole Lane near the Little Old Bailey, and was described by Stow as an ancient lodging for students within the City walls. It was attached to St. Sepulchre's Church just as Thavie's Inn was attached to St. Andrew's. As the number of lawyers increased, larger hospices were required. In the latter part of the fifteenth century St. George's Inn fell into decay, and about the year 1500 its members moved to New Inn, which was rented for them by Sir John Fineox, Chief Justice of the King's Bench, at £6 a year. This Inn lay on the north side of Wych Street ; it had previously been known as the Inn of Our Lady because a picture of her hung as a sign over the entrance. It became a very flourishing Inn of Chancery ; it was governed by a Treasurer who was elected annually, and by twelve Ancients. But from the first it was under the superintendency of the Middle Temple. It was recently purchased and pulled down by the London County Council, who required the site for their improvements in the Strand.

## THAVIE'S INN AND FURNIVAL'S INN.

As soon as the lawyers ventured outside the Roman wall of the City they naturally settled on either side of Holborn road ; for that was then the only, or at all events the main, road out of the City. That is why we find Thavie's Inn, Barnard's Inn, and Staple Inn on the south side, and Furnival's Inn on the north side of Holborn. Thavie's Inn lay to the south-west of St. Andrew's, Holborn. The principal entrance seems to have been from Holborn, along the west side of the Church. There was also another entrance from Shoe Lane to the south of the Church ; and opposite it on the other side of the Lane was the Earl of Lincoln's house. The property originally belonged to one John Thavie, an armourer, and it appears from his will that apprentices of the law were accustomed to live in it before the year 1348.<sup>1</sup> How they came there, I cannot tell you, nor whether they stayed or left. But this is certain, that the house was not called either a hospice or an "Inn" in John Thavie's will, nor for a long time after his death.

Sooner or later, however, an Inn of Chancery was established in this house, which was governed by a Principal and Fellows. Both it and Furnival's Inn were attached to the Society of Lincoln's Inn before the year 1422. The greater part of

<sup>1</sup> See *ante*, p. 32.

Furnival's Inn, as described by Stow, was taken down in the reign of Charles I, and now the whole has been replaced by the handsome offices of the Prudential Assurance Company. Thavie's Inn, alas! has wholly disappeared; its site is part of a modern street called St. Bride's Street, which leads into Holborn Circus; a small portion of one wall of the old Inn is all that is left standing.

Wonderful theories have been woven by our legal antiquaries around humble little Thavie's Inn. Dugdale tells us that he thinks that a society of lawyers migrated from Thavie's Inn to the Temple in 1408. Other writers have suggested that this alleged migration to the Temple took place at a still earlier date—either 1348 or 1380. On the other hand, the antiquarians of Lincoln's Inn suggest that their society was located first at Thavie's Inn (possibly about the year 1348) opposite the gates of the Earl of Lincoln's mansion in Shoe Lane, and derived its name from its proximity to this aristocratic dwelling—that at a later date, perhaps 1380, it moved to larger premises at Furnival's Inn—and that subsequently, before 1422, it again migrated from Furnival's Inn to the mansion of the Bishops of Chichester, which was larger still—on each removal still retaining the title which marked its domicile of origin. This theory is no doubt based upon the fact that from a very early date Lincoln's Inn had superinten-

dency over both Thavie's Inn and Furnival's Inn, though it did not purchase the fee simple of the latter Inn till 1548, or that of the former Inn till 1550. We shall no doubt have the opportunity of hearing these theories discussed by subsequent lecturers. Till I have this advantage, I can only say that I myself see no sufficient reason as yet for accepting the suggestion that Thavie's Inn was the cradle either of the Templars or of the society of Lincoln's Inn—still less of both.

#### BARNARD'S INN.

Between Thavie's Inn and Staple Inn on the south side of Holborn lies Barnard's Inn. It was also formerly called Mackworth's Inn, for in the time of King Henry VI the messuage belonged to Dr. John Mackworth, Dean of Lincoln. On his death it passed into the hands of a society of lawyers headed by one Barnard, and was recognised as an Inn of Chancery. It was governed by a Principal and twelve Ancients. The first Principal of whom we have any record took office in 1545, and the last in 1728. It soon afterwards became the property of the Skinners' Company, who not long ago sold it to the Mercers' Company for their school. You will all be pleased to know that this company—the premier Guild of the City—has preserved the old hall; we owe them thanks for this. When I visited Barnard's Inn the other day I was glad to see that lunch for

the lads of the school was laid in that beautiful old hall.

There is one thing more about Barnard's Inn which I should like to mention for the good of our Treasurer. I quote from an ancient record. In 1454 there was "a tumult betwixt the gentlemen of the innes of court and chancery, and the citizens of London, hapning in Fleet Street, 32 Hen. VI, in which some mischief was done, and the principals of Clifford's Inne, Furnival's Inne, and Barnard's Inne were sent prisoners to Hartford castle." I mention this to you, Master Treasurer, as it may be valuable to you to know that if this precedent were followed in modern times and the students of the Middle Temple were to wander out into Fleet Street to assist their lady friends in smashing honest tradesmen's windows, the punishment will fall not on them but on you!

#### STAPLE INN.

Close to Holborn Bars, and immediately within the new boundary of the City, stands Staple Inn. It seems to have been the favourite Inn of Chancery, as it had more members than any other. You must all know the row of houses with their beams of black timber which faces the end of Gray's Inn Road. These houses were built 350 years ago; they are the finest specimen of Elizabethan household architecture left to us

in London. A charming little hall was built of brick in 1580. Sir George Buc was so delighted with this hall and with the frontage to Holborn that he described Staple Inn as "the fayrest Inne of Chancery in this University." He obviously regarded the Inns of Court and of Chancery as forming one University; it might perhaps have been a good thing if this had been so. The Inn was governed by a Principal and twelve Ancients. In 1884 it was sold by the members to the Prudential Assurance Company for £68,000. The thanks of the public are due to the Company for preserving this ancient Inn with its hall and belfry, garden and sundial, intact.

Dr. Johnson resided in Staple Inn when he was writing *Rasselas, Prince of Abyssinia*. Surely a less stilted production might have been expected from a resident in this charming Inn! To me this Inn is always associated with Charles Dickens. I had been reading the *Mystery of Edwin Drood* at Cambridge, and on June 9th, 1870, I came down to London. The next morning the newspapers were full of the death of Charles Dickens; and by an odd chance it happened that on that morning I wandered into the inner Court of Staple Inn and there stopped before a doorway over which was written "P. J. T. 1747." This I recognised at once as the staircase leading to Mr. Grewgious' chambers.

## CLIFFORD'S INN.

In 1310 King Edward II granted "a messuage and appurtenances next to the Church of St. Dunstan's-in-the-West in the suburb of London" by the service of one penny to Robert de Clifford, fifth Baron Clifford. Then in 1344 Lady Clifford, the widow of the sixth Baron Clifford, demised this messuage *apprenticiis de Banco*—to the apprentices from the Bench, a phrase which Dugdale interprets as meaning to the lawyers attached to the Court of Common Pleas. From that time it "continued to be a mansion for the lawyers and called an Inn of Chancery." Later came a deed which has been the subject of an important judicial decision. By an indenture of feoffment dated March 29th, 1618, the then Lord Clifford, who was also Earl of Cumberland, after reciting that the said messuage "hath bene for many yeares heretofore by the allowance of the sd. Earle and his ancestors used and employed as an Inn of Chauncery for the furtherance of the study and practise of the Common Lawes of this his Majesties Realme of England," settled and assured the same "ever hereafter to contynue and be employed as an Inn of Chauncery for the furtherance of the Practisers and Students of the Common Lawes of this Realme as aforesaid."

Clifford's Inn was thus endowed as an Inn of



Chancery. It was an entirely independent society with a constitution of its own. It was governed by a Principal and twelve "Rules" (as the Ancients here were called); the juniors sat at a separate table, which for no apparent reason was named the "Kentish Mess." In the reign of Queen Elizabeth it had over a hundred members, many of whom had to reside outside the Inn in Fleet Street or Ludgate Hill. Both Coke and Selden were Students at Clifford's Inn; Coke entered in 1571 but migrated to the Inner Temple the next year. And at No. 15 Samuel Butler was residing when he wrote "The Way of all Flesh."

If the date assigned to Lady Clifford's deed is correct, then Clifford's Inn was older than either the Inner or the Middle Temple. And yet from a very early date "the Inner Temple exercised a jurisdiction over Clifford's Inn."<sup>1</sup> It is difficult now to define the precise relation which existed between the two societies. There is some ground for believing that the first members of the Inner Temple came across Fleet Street from Clifford's Inn. If so, the mother society subsequently came under the control of her more prosperous daughter—at all events, so far as legal education was concerned. The minute books of Clifford's Inn, beginning in 1609, show that three readers were

<sup>1</sup> *Per* Littledale, J., in *Rex v. Allen* (1834), 5 B. & Ad. 989.

from time to time nominated by the Inner Temple, one of whom was selected by the Principal and Rules, to come to Clifford's Inn and give readings and take part in moots there. This continued more or less regularly until about the middle of the nineteenth century; but after this date there was no attempt at legal education at Clifford's Inn.

Unfortunately in 1877 Serjeants' Inn, which had existed in Chancery Lane since 1372, was sold for £57,100, and the proceeds divided among the serjeants—a proceeding which did not pass without adverse comment at the time, though of course Serjeants' Inn was never in any sense an educational institution. Fired by this example, the majority of the sixteen surviving members of Clifford's Inn resolved to sell the Inn and divide the proceeds among themselves. Eleven members were in favour of this course being adopted, but five stoutly resisted it; and the leader of the five was the present ex-Treasurer of the Middle Temple, my friend Mr. H. D. Greene, K.C. He insisted upon the matter being brought before a court of law; an action was commenced in May, 1899, and he won it. It was tried before Mr. Justice Cozens-Hardy, who held that the language of the deed of 1618 negatived the idea of any private ownership, and that the property known as Clifford's Inn could not therefore be divided among its members, as it was stamped with a trust in favour of legal

education.<sup>1</sup> His lordship also on a subsequent occasion decided that the Inner Temple had no proprietary rights over the property.

So Clifford's Inn was sold to a builder. Most of it has been already pulled down and a big block of offices has been erected on it. The old hall which was built in 1766 still stands, and well deserves a visit. But the purchase money has been paid into court, and the interest of the fund is devoted to the legal education of future barristers and solicitors, who therefore owe a debt of gratitude to Mr. Greene. Two or three years afterwards it became necessary to widen the Strand and to pull down Holywell Street and Wych Street. This involved the demolition of New Inn, which the London County Council therefore purchased in the interests of the public. Some members of New Inn had vested interests in certain sets of chambers, for which they were duly compensated. But, after the rights of all persons concerned were dealt with, the balance of the purchase money of New Inn was also declared to be stamped with a trust for legal education ; and this too is the result of the stand made by Mr. Greene at Clifford's Inn.

#### OTHER INNS OF CHANCERY.

Mr. Justice Shallow, though he took the liberty of fighting his friend the fruiterer on land belonging to Gray's Inn, was, as he tells us repeatedly, a student of Clement's Inn, "where I

<sup>1</sup> *Smith v. Kerr*, [1900] 2 Ch. 511 ; [1902] 1 Ch. 774.

think they will talk of mad Shallow yet." "You had not four such swinge-bucklers in all the Inns of Court again" as young Shallow and his three friends. Such at least was his boast; but Falstaff thought otherwise: "I do remember him at Clement's Inn, like a man made after supper of a cheese-paring"! Clement's Inn was an Inn of Chancery as early as the reign of Edward IV. It stands close to St. Clement's Church, but as Stow tells us, "nearer to the fair fountain called Clement's Well," otherwise called Holy-well, from which Holywell Street took its name.

Between Wych Street and Holywell Street, to the west of New Inn, once stood Lyon's Inn, where Coke was a reader in the time of Queen Elizabeth. It was originally a hostelry bearing the sign of the Lion, and became an Inn of Chancery in the reign of Henry V. It was always a small Inn, and, like Clifford's Inn and Clement's Inn, was under the superintendency of the Inner Temple. It was pulled down in 1863 to make room for the Globe Theatre and Opera Comique. There was another Inn, which lay between Clement's Inn and New Inn, called Simond's Inn; this possibly was Sir John Fortescue's tenth Inn of Chancery—unless he counted St. George's Inn in his reckoning. It had ceased to exist before Coke's time. Dane's Inn, which stood on the site of Angel Inn in Wych Street, never was either an Inn of Court or of Chancery.

On the south side of the Strand and opposite the church of St. Mary-le-Strand formerly lay Strand Inn, where the justices in eyre were wont to assemble after circuit from the year 1294 onwards. It had previously been the town residence of the Bishop of Chester, and was therefore sometimes called Chester Inn. This was one of the Inns of Chancery associated with the Middle Temple. In the reign of King Edward VI, Protector Somerset without any right or authority demolished the Inn, and threw the site into that of his new palace which is still known as Somerset House.

#### CONCLUSION.

So the Inns of Chancery one by one have disappeared; none of them, at all events, are in use to-day as places of legal education. But the Inns of Court remain—the Inns which were described by James I in this charter of August 13th, 1608, as “those four colleges, the most famous in all Europe.”

The Inns of Court remain and to them has been entrusted the exclusive power of admitting students of law to the Bar of England. This power our ancestors, perhaps a little illogically, but with that stern common-sense which distinguishes the English people, entrusted to these four ancient societies. On them has been conferred the right and the duty of selecting those who shall be called

to the Bar and so enjoy the monopoly of audience in the superior Courts of England. Think of the privilege and power which his call to the Bar gives to the young advocate. He is given the right, the terrible right, of almost unfettered cross-examination. He has also the right in his discretion to attack the character of a party or a witness, and no action for slander can be brought against him. These are tremendous powers. They must be entrusted only to persons who will use them honourably and well. Should they pass into the hands of unfit and dishonourable men those privileges will be taken away from the whole Bar. Those who confer the privilege of audience in the High Court of the Kingdom must therefore also have the power to take that privilege away. To the Inns of Court is confided not merely the power of creating the Bar but also of controlling it. I need not tell this audience that the Bar is an honourable profession. The purity and efficiency of our legal system depends almost as much upon the character, conduct and demeanour of the Bar as upon the dignity and learning of our Judges and the honesty and intelligence of our juries. But that honourable tradition must be preserved ; there must be some body to control our profession. Shall that power of control be given to a Government Official ? I trust not. Shall it be conferred upon any University or any other academic body ? Certainly not. I would not entrust it even to His

Majesty's Judges, who, by their elevated position are not in such close contact as the Benchers with the general body of the Bar. The power of control is rightly given to these ancient Inns of Court whose history I have been endeavouring to impart to you to-day.

The Inns of Chancery have disappeared ; the Inns of Court remain. They still retain these two high privileges of calling worthy men to the Bar, and of disbarring those who prove to be unworthy. And I may add, I think, that they exercise these privileges to the general satisfaction of the English nation.

The Inns of Court remain. Royal Commissions may be appointed ; Royal Commissioners may examine witnesses ; Royal Commissioners may report to Parliament. But still the Inns of Court remain four-square. Long may they flourish !

## II.

### THE INNER TEMPLE.

*A lecture delivered in Middle Temple Hall  
on Monday, April 29th, 1912, by*

E. M. UNDERDOWN, K.C.

#### SECTION I.

I HAVE been honoured by a request to deliver one of a course of six Lectures in this Hall of the Middle Temple. This address has for its object to give some account of the Honourable Society and fellowship of the Inner Temple of which I have the honour to be a Bencher, and to show the practical continuity which has existed from ancient times, and has now resulted in the establishment of intimate relations and communications between students, counsel, the Bar, and the Bench.

The lawyers of Britain in Roman times are alluded to, by Juvenal, who speaks of us as "happy in our short night" *Minimâ contentos nocte Britannos,*" and in his XVth Satire the Britons are



said to be taught advocacy by the eloquent Gauls, while the *contract of hire* was discussed by a rhetorician of Thule : " nunc totus Graias nostrasque habet orbis Athenas Gallia causidicos docuit facunda Britannos, De conducendo loquitur jam rhetore Thule," which is obviously ironical or hyperbolical. Now there was something prophetic in the verses of Juvenal. The eloquent Gaul, as represented by his Norman successors, *did* teach the Britons, and the Gallic language was the chief language, for centuries, of the English Courts. And although by 36 Edward III all proceedings were to be in English (although enrolled in Latin), French continued to be used from Henry III, 1216, to Philip and Mary, when the Reports succeed the year books.

Little or no trace of the Roman Law, properly so called, remains as affecting the jurisprudence of the Saxon and Danish times. That law, in so far as it affected the learning of Norman and Saxon, came in much later, in another way, and from other sources—feudal, papal and ecclesiastical.

We have tolerably clear accounts of the various tribunals existing under the Saxon law and customs, and of their partial displacement by the Norman Courts introduced by William I. While the laws of Edward the Confessor were recognised and perpetuated in Magna Carta and its confirmations 1260—1272, certain principles and practices appear to have been deduced from the Norman

customs, and underlying the whole we find evidence of the influence of the Roman Civil and Canon Law.

For our purpose, then, we may, firstly, follow such authorities as we have for the origins of the study and practice of the Common Law and for tracing the details of the constantly increasing development of its study, from Saxon times until our predecessors were housed in the Temple.

From early times the English Students of Law directed their attention exclusively to the Common Law. As to this, Plowden says, Chapter III, "of these laws, that which we call the Common Law is out of the question no less ancient than the beginning of differences between man and man after the first peopling of this land, it being no other than tryed reason."<sup>1</sup>

"Our Common Law differs from the laws of other regions who use written law and statutes ; the English use is unwritten and customary."<sup>2</sup>

If we endeavour to trace the history of the practitioners of law from the eleventh century, we shall find that, while certain tribunals were being presided over by Ecclesiastical Judges, the Courts and the public generally required the assistance of Counsellors and Advocates to represent the litigants, to define the principles of law and

<sup>1</sup> Glanvil, Henry II., 1187, Bracton, Fleta, Dugdale, Selden, Maitland.

<sup>2</sup> Bracton : " In omnibus aliis regionibus utuntur legibus et jure scriptis ; sola Anglia usa est non scripto et consuetudine."

practice, and at the same time to afford the Courts due assistance.

In those days such persons were not easy to find, and according to Dugdale, there were few in the realm, other than the clergy, learned in the law, and it came to be said "nullus clericus nisi causidicus," but naturally the number of persons practising in the Courts soon largely increased, and it is of this class we, the members of this Honourable Society, are a part. Now the Practitioners of Law had fallen into two divisions; one having as its domain the Common Law, the other versed in the Civil and Canon Law, *i.e.*, the rescripts canons, decretals, practices, and theories founded upon law formalised by the Papal Curia or laid down by Councils held from time to time, and upon the Roman Law of the Digest and Institutes, etc.<sup>1</sup>

Before the Temple was leased to the lawyers, the law was taught in those hostels which were afterwards intimately allied with the respective Inns of Court as Inns of Chancery.

The Common lawyers came first to the Temple from Thavie's Inn, Holborn, in the reign of Edward III (1327 to 1377); they became licencees of the Knights Hospitallers of St. John of Jerusalem, who farmed the manor or place of the New Temple to the professors and students of the law.

When the Court of Common Pleas no longer

<sup>1</sup> See below, *Doctors' Commons*.

followed the King, but was made permanent at Westminster the students became established in these hostels. In the so-called hostels, there were certain ranks and degrees of students, as Sir Edward Coke observes : First, Mootmen, which are those that argue Readers' cases in the houses of Chancery. Out of these, after eight years' study, are chosen *utter barristers*; out of utter barristers after twelve years are chosen *Benchers or Ancients*, and these took charge of the students as well as of the discipline and instruction of those studying the law with a view to entering the profession. Such *apprenticii* are mentioned in the Year Book XXIX, Edward III.

The Inns of Chancery passed, from time to time, into the Company of the Inns of Court such of their number as were duly qualified for admission by length of residence and by such amount of legal knowledge as could be acquired by attendance and moots in their respective Halls. Students soon passed into the "Greater Hostels" and we find them in the Inns of Court.<sup>1</sup>

According to Dugdale, the Inns of Chancery were originally hospices, hostels, *hospitia* for the Clerks of Chancery.

It is said they were at one time ten in number.

<sup>1</sup> In one of the Paston letters, November, 1440, 18 Henry VI, Repps to Paston, we read :—

"Qwan your lesyr is, resorte ageyn to your College, the INNER TEMPLE, for ther be many gwch sore desyr your presence."

This is thought to be the first mention of the Inner Temple.

Among them the best known were Barnard's Inn, formed 1445; Clement's Inn, before 1478; Clifford's Inn, 1345; sold for £100,000 in 1903; Staple's Inn, 1415, sold in 1884; Lyons' Inn, 1420; New Inn, 1483, close to what was formerly Wych Street in the Strand; Thavie's Inn, before Edward III.

Commons were kept on certain dates in term, thus involving the association and fellowship between the students and members of the Societies. A punishment for irregularity was putting out of Commons.

The earliest known use of the term Barrister is in the Black Book of Lincoln's Inn, Trinity Term, 1455.

### INNS OF COURT

In favour of the Common and against the Canon lawyers, Henry III forbade the institution of a School of Law within the City of London. Fortescue, who was Lord Chief Justice and afterwards Chancellor in the reign of Henry VI, in his dialogue "*de laudibus legum angliae*,"<sup>1</sup> speaks of the establishment of these seats of learning, the Inns of Court, which were outside and independent of the Universities, as follows:—

Cap. 48, p. 108: "Whereas the laws of England being learnd and practisd in the three several

<sup>1</sup> Written in France for the instruction of the Prince, afterwards Edward I.

languages, they cannot be so well studied in our Universities where the Latin is most in use, but in a publick manner and place much more commodious and proper for the purpose than in any University, it is situated near the King's Palace at Westminster, where the Courts of Law are held, or in which the Law proceedings are pleaded and argued . . . . the resolutions given by the Judges, men of gravity and years, well read and practised in the Laws and honoured with a degree peculiar to them. Here in Term time the students of the Law attend in great numbers, as it were to public schools, and are then instructed in all sorts of Law Learning and in the practice of the Courts. The situation of the place where they reside and study is between Westminster and the City of London . . . . not in the heart of the city itself . . . . but in a private place, separate and distinct by itself, in the suburbs near to the Courts of Justice aforesaid. Fortescue, Cap. XLIX.

“Ten lesser Inns and sometimes more, which are called the Inns of Chancery, in each 100 students, after they have made some progress here and are more advanced in years, they are admitted into the Inns of Court properly so called. Of these there are four in number.—The Inner and Middle Temples, Lincoln's Inn and Gray's Inn.”

Dugdale details many orders which were made relating to the Inns of Court—16, 33, 36, 38, of Elizabeth, 1 James I. “None to be admitted that is

not a gentleman by birth," 12 James I, Military Discipline (p. 318).

A Company of the Inns of Court had a military exercise ground ; the corps numbered 600. Subsequently, by 16 Charles II, it was enacted : " The Inns of Chancery shall hold their government subordinate to the Benchers of every one of the Inns of Court to which they belong."

" In these greater Inns they cannot be maintained under £28 a year—if a servant was kept, more. It was said ' students are sons to persons of quality, hence they have a greater regard for their character and honour than those who are bred in another way.' "

When the four Inns of Court were established, the Temple, as we shall see, was particularly fortunate in obtaining the use and occupation of the buildings, lands, church, gardens and other premises known as the New Temple,<sup>1</sup> which took the place of buildings in Chancery Lane and Holborn, known as the Old Temple. This property they held as lessees of the Knights of S. John, but under the influence of the Crown, and later as grantees whose possession was confirmed under the Charter ; the members of the other

<sup>1</sup> Spenser : (Prothalamion to the Ladies Somerset, daughters of the Earl of Worcester).

" Then when they came, whereas those bricky towers  
The which on Themmes brode aged back doth ride,  
Where now the studious lawyers have their bowers  
There whylome wont the Templar Knights to bide,  
Till they decayed through pride."

societies were doubtless otherwise highly considered and favoured, but they acquired and held their properties by private means and contributions (the Temples only were held under the Crown and the Knights). Dugdale in the preface, 1666, to his work "*Origines Juridiciales, or Historical Memoirs of the British Laws,*" says: "In what I have said touching those noble societies of our students of the law, called the Inns of Court and Chancery, it hath not been with purpose to magnify one above the other."

Already in the time of Henry VII, 1422—1461, the halls of the Inner and Middle Temple had been separate.

To return to the description of Practitioners of the Law, we know that the Itinerant Judges, afterwards Justices in Eyre, went about the kingdom, in very ancient times; Royal Justices of Assize were made in 21 Edward I and by 27 Edward I of Oyer and Terminer and the Justices of Assize were ordered to act as Justices of Gaol Delivery. By Magna Carta, however, the Court of Common Pleas had been fixed at Westminster, and, according to Bracton, that was the reason for the establishment of the quasi-University of the Inns of Court of London as above mentioned.

The Practitioners of the Common Law, being excluded from Oxford and Cambridge, had established what may be described as colleges and schools, indeed a quasi-University of their own.



They purchased and erected houses, afterwards known as the Inns of Chancery and of Court. The gentlemen of the Inns of Court belonged to the Court of the King, hence their appellation, dignity, and privileges, their officers were *armigeri* (entitled to bear arms.)

James I in a speech in the Star Chamber declared "there were only three classes of people who had any right to settle in London—the courtiers, the citizens, and the gentlemen of the Inns of Court."

#### UTTER BARRISTERS.

"None to be called to the utter barre but by the ordinary councils of the House in terme time."

Pleaders—"none to be admitted to plead at aine of the Courtes at Westminster or to subscribe aine action bill or plea unles he be a *reader or bencher in courte* or be V years utter barrister continuinge that time exercise of learninge, or a reader in Chancerie two years at least."

In 1465, Utter Barristers are mentioned. "One of the ancients, that hath formerly read, reads in Lent vacation and is called a double reader, it being commonly betwixt his first and second reading after nine or ten years, out of which double readers the King makes choice of his Attorney Solicitor-General, his Attorney of the Court of Wards and Liveries, and his Attorney of the Duchy; and all these readers

are Serjeants elected by the King, and out of them the King electeth two or three as he pleaseth to be his Serjeants, and out of them are the Judges."

We find that Thomas de Brock was perhaps the first man who, on account of his reputation as a Practitioner, was raised to the Bench as a Judge.

*Note.*—In the Appendix to the Report of the Commission of 1855, will be found the evidence given by the officers or members of certain of the Inns of Chancery in 1854, in answer to questions by the Commissioners—as to the condition of those Inns of Chancery at that time.

Clifford's Inn.—No lectures, no examination, no library.

Lyne's.—No lectures, no examination, no library.

Clement's Inn.—No lectures, no examination, no library.

New Inn.—Readings had been discontinued.

St. Mary's.—No lectures or examination, no library.

Furnival's Inn.—Not an Inn of Court, no information.

Barnard's Inn.—No lectures or examination for a hundred years, no library.

Staple Inn.—No lectures, no library, it is a private Society. Whatever functions were possessed had passed to the Law Institution.

It seems that most of the other Halls—including Chester's or Stroud, David's or Thavie's Inn have been destroyed, this shows that at that date, 1854-5, the Inns of Chancery, as places of education, had long ceased to exist.

The official members of the Curia Regis were the great Officers of the King's household, the Justiciar, the Chancellor, and the Judges.

The new School of Judges were Royal Clerks and Ecclesiastics. Some knowledge of the Civil Law was essential to the understanding of the Canon Law. The Royal Clerks were those learned "in utroque jure."

In Edward I's reign the Law tended to become a close profession, and the Bench was recruited from those who had passed their lives practising in the Courts, and not from Ecclesiastics.

The term Benchers (*lex benchers*) is first mentioned in the Records of the Temple in 1527.

Originally three *Governors* were selected from the Benchers and had jurisdiction over the internal management of the Society ; none were elected after October, 1566.

### SERJEANTS AT LAW.

Formerly the acceptance of the coif involved very great outlays—presents of cloth, &c., measuring sometimes 231 yards.<sup>1</sup>

It seems that the Serjeants' feast was held in the Inner Temple Hall—probably the Hall of Serjeants' Inn was not then available.

When the members of the Inns became Serjeants they left their Inns and the bell of the chapel was tolled. They presented gold rings of great weight

<sup>1</sup> See Dugdale, *Serjeants*, xii.

and cost to the King, to the Judges, and to certain officers.

By a Bench Table Order of the Inner Temple in June, 1687, all Judges and Serjeants that were called from the Society had notice to quit their Chambers.

Thereafter the Serjeants, about Henry VI's time, had their respective lodgings in the Serjeants' Inns, the one in Fleet Street, the other in Chancery Lane. It was the custom that every judge upon his appointment took the *degree of the "coif"* before the justices of the Court of Common Pleas (in which Court the Serjeants up to 1846 had an exclusive right to practise). In some cases this was done in the Court of King's Bench.

When it became known in 1871 that the Serjeants would no longer be made, the then members put an end to the Society and sold the property and premises between Chancery Lane and Fetter Lane. This sale was not unanimously resolved; some of the Serjeants did not accept their proportion, and others devoted their shares to other purposes. Only one Serjeant survives, the Lord Lindley. The Hall, a part of the property purchased by Serjeant Cox in 1871, was set up by him near his house in Kent, where it remains. The premises in Fleet Street, still known as Serjeants' Inn, had been previously acquired by an insurance office.

The custom of the Judges addressing each

other as "brother" arose from the fact that they were "brethren of Serjeants Inn."

The robes formerly worn by the Common Law Judges were red, black and violet, which they, as Serjeants, donned on Saints' days. The appearance of ecclesiastics in the Common Pleas was opposed by the Common lawyers, and it is said that the patch on the wig is a relic of the hood worn by the ecclesiastic to hide the tonsure.

With regard to the Order of Serjeants, Fortescue, in his treatise, "*de laudibus legum angliae*," says: "No man be he never so cunning in the law of the realm shall be exalted to the office and dignity of a Justice of the Court of Common Pleas or the Common Bench, unless a Serjeant, nor plead in the Court of Common Bench. He must have spent sixteen years in the said general study of the law and take to the wearing of the quoif." The Serjeants-at-Law were called *Narratores* in Latin and *Countors* in French, *i.e.*, Pleaders—they are mentioned in the Statute of Westminster the first, 3 Edward I and in 5 Henry V, c. 10. See the description of a Serjeant in Westminster Hall, given in the time of Charles II by Butler in his *Hudibras*:—

"To this brave Man the Knight repairs  
For Counsel in his Law affairs  
And found him mounted *in his Pew*  
With Books and Money plac'd for show  
Like *Nest Eggs* to make Clients lay  
And for his false opinion pay."

## KING'S COUNSEL

In modern days King's Counsel have gradually replaced the "Serjeants-at-Law," none of whom have been created since the Judicature Act. For some considerable time the King's Counsel had precedence over the Serjeants of longer standing. From time to time, however, the latter obtained patents of precedence which gave them rank with, or over, the King's Counsel called at the same date. Originally the Attorney and Solicitor-General were the only King's Counsel. Francis Bacon was afterwards named by favour. Up to recent times the silk gown was difficult of attainment, often for political reasons.

## DIFFERENT CLASSES OF PRACTITIONERS.

A final separation of the two classes of practitioners came about in the 16th century, when the Inns of Court insisted on the exclusion of the Attorneys. It is not without interest to examine the steps by which Counsel attained the immunities and privileges, and freedom, to a great extent, from responsibility, which they enjoy at the present time.

Even in Cicero's time the "advocati" tended to fall apart from the "patroni." The institution of written pleadings, exchanged as a preliminary to

the hearings in Court, further secured for Counsel an independent position, inasmuch as he had only to explain the pleadings or conclusions and to examine or cross-examine the witnesses and address the Court, the pleadings having been drawn up by the Attorneys, as formerly, by "prothonotaries," who, again, were succeeded by *special pleaders* practising *under the Bar*.

Subsequently, as is well known, when the written pleadings tended to verbal refinements and subtleties which defeated or delayed justice, various modifications were introduced, notably by the Common Law Procedure Acts of 1852 and 1854, and by the Judicature Act of 1873 and from time to time rules have brought about the state of things with which we are now familiar. The drawing of pleadings, &c., is now done by Counsel.

In France the same distinction exists between the *Avoué*—the attorney charged with the preparation and exchange of the pleadings, and the "*Avocat*" or Counsel, whose duties are carefully limited to the defence and representation of the clients in Court or in references. But Counsel are largely employed in giving advice and signing opinions; they may be classed as *Avocats plaideurs* and *Avocats consultants*—jurisconsults. It is well to mention in this connexion that even in civil cases where public interests are involved an official counsel has a right to intervene, like

the King's Proctor here in a certain class of cases.

There was in the days of the subtle system of pleading a third class of practitioners. A special pleader was a drawer of Declarations—Demurrers—Pleas—special and other Replications—Rejoinders—Rebutters and even Surrebutters. In Serjeant Hayes' skit, *Crogate's Case*, Lord Wensleydale figures as Baron Surrebutter.

But John Doe and Richard Roe disappeared with the passing of the Common Law Procedure Acts of 1852 and 1854, and again the Judicature Acts, 1873 and 1875, made sweeping changes in procedure.

This class of practitioner has now disappeared. Among the last of them were John Welch, Butterworth, Ogle, and others—Baylis came afterwards within the Bar and subsequently became one of our Benchers, to whose valuable work on the Temple Church I am much indebted.

By the use of written pleadings before trial and the raising of issues the responsibility of counsel for the truth of the Pleas was shifted away—thus emphasising the division between Counsel, the attorneys who instructed the pleaders, and the parties.

The conduct of cases in the Courts has varied from time to time with reference to the part played by Counsel.

We know that for a long time the parties in



certain proceedings could not appear to give evidence, and still later has the accused in criminal matters been allowed to do so. Again the right of Counsel to address the court in criminal cases was comparatively recently granted. Previously in many cases Counsel wrote out the defences of prisoners, which the latter read to the Court.

King's Counsel, as officers of the Crown, require a licence under the Great Seal to enable them to defend prisoners.

This licence required the actual signature of the Crown as to Rights of King's Counsel and other barristers—See 9 and 10 Vic. c. 54 (1847).

### THE YEAR BOOKS.

Judges having been mentioned as shaping the Laws and disciplining the Bar. The Records of the Courts of Record give the facts and decisions while the Year Books, like the later Reports, public or private, give the actual debates and proceedings in the Courts and the remarks of the Judges.

Professor Maitland, in the Selden Society Series, Vol. I, says, "The History of English Law, from the days of Edward I to those of Edward VII must be sought not in records but in reports."

Probably already in the last years of Henry II *plea rolls* were officially made and preserved as Records.

The objects of the Record are Science and Jurisprudence; these Records were jealously

guarded, while the Reports were for the use of the profession.

It is doubtful if the Year Book Reports<sup>1</sup> were, strictly speaking, official. They were more familiar and gave the life blood and spirit of the debates—how a move of Serjeant Herle drove Serjeant Toudeby into an awkward corner, &c. Berefor, C. J. “We wish to know whether you have anything else to say, for as yet you have done nothing but wrangle and chatter.”

The “*Decisiones Dominorum de Rota*” are the records of the great Papal Court of Avignon. An ancient collection known as “*Olim*” in France is extant.

Sir Patrick Colquhoun, 21 April, 1877, lectured in the Inner Temple on the Year Books.

## SECTION II

For the origin of the Temple we must return to the era of the Crusades. If you think of it, in various forms these may be said to be still going on. The struggles between the Christian and the Saracen, the Arab and the Turk and the Moor continue. The Italians are fighting in Tripoli, bombarding ports in the Dardanelles, threatening Constantinople, and occupying the Islands of the Egean. The countrymen of Saint

<sup>1</sup> *Selden Society Year Books*. 4 Vols. Edited by Professor Maitland.

Louis (who died at Tunis in 1270 after the third Crusade) are protecting Morocco. We ourselves are controlling Egypt. Christianity, so called, is after nine centuries still in arms against the followers of the Prophet.

The History of the Temple is intimately connected with two out of the three great orders of Knighthood—the Templars, Hospitallers, or Knights of St. John, and the Teutonic Knights. The Order of the Knights Templars was founded in 1124. They were described as Poor Fellow Soldiers of Christ and of the Temple of Solomon (*"pauperes commilitones Christi templique Salomonici"*). It was one of the three great military orders founded early in the twelfth century—The Knights of St. John in 1118, and the Teutonic Knights in 1190. Unlike the others, the Temple Order was military; its founders were a Burgundian Knight, Hughes de Payne, and Godefroi de St. Omer. Its duty was to protect the Holy Sepulchre and the roads for pilgrims going after the first crusade to the Holy Land, who had suffered greatly from the earliest times and to live in chastity, obedience, and poverty according to the strict rule of S. Benedict. Baldwin I, as King of Jerusalem, gave them a part of the palace—next the mosque El Aksa, called the Temple of Solomon, hence their appellation. The great charter of the Order was the bull, Alexander III, 1163.

The Order consisted of Knights, *fratres milites*, Chaplains, *fratres Capellani*, Serjeants or esquires, *fratres servientes armigeri*, *fratres servientes famuli et officii*.

The Grand Master first dwelt in Jerusalem, afterwards in Cyprus ; there were also Commanders in Tripoli and Antioch, in France, Spain, England and in other places. Philip IV ceded to them, in Paris within the precincts of the Temple, a fortified quarter.

It is impossible to give even a sketch of their military history and exploits in the East.

Many noblemen in all parts of Christendom became brethren of the Order of the Temple ; they built for themselves Temples in every city or great town. In England the Temple in London was their Chief House which they built “after the Form of the Temple near the Sepulchre at Jerusalem,” and others in Cambridge, Bristol, Canterbury, Dover, Warwick, Ludlow, and divers other places.

“The Temple in London was often made a Store House of Mens’ Treasury—I mean such as feare the spoil thereof in other places.”

In 1232, Edward I—when Hubert de Burgh was a prisoner in the Tower—ordered the treasure accumulated in the Temple for the Crusade to be delivered to him. And he broke into the Temple and took away some £1,000.

Many Parliaments and Great Councils were held

in the Temple. As before mentioned the Barons met King John there. On Nov. 20, 1272, a meeting of the Council was held at the New Temple and a new seal made, Walter de Merton being Chancellor. The round Church escaped the great fire of 1666.

The chief dress of the Templars was a white mantle with red cross, the others of colour with red cross. Henry I and Stephen granted them lands in Normandy; Louis VII and Philip IV in Paris (the Temple in Paris was occupied by the Order, there the King stood a siege).<sup>1</sup>

Geoffrey de Mandeville was buried in the consecrated ground of the Temple in London in 1163, before the consecration of the Temple Church by Herachius the Patriarch of Jerusalem in 1185.

For 140 years the history of the Templars was the history of the Crusaders. Richard I left the Holy Land disguised as a Templar. During the Third Crusade, 1192, the Templars were exempted by Papal Bull from Ecclesiastical Jurisdiction.

After the fall of Jerusalem in 1187 before Saladin, the Templars, and indeed the Hospitallers, spread over Europe. Now as to their wealth and power. For more than 100 years the Order was one of the wealthiest factors in European politics, at one time it possessed 9,000 manors.

The Paris Temple rivalled the Louvre; it was the centre of the world's money market. The Templars became the great international financiers

<sup>1</sup> Later it was the prison of Louis XVI.

and bankers of Europe. Their wealth and revenues in money were enormous.<sup>1</sup> To escape the sin of usury, the borrowers, as mortgagors, in lieu of interest paid rents or annuities calculated at a high figure, part of which was to serve to redeem the debts.

In Paris and London their houses were used for the Royal and other Treasures, *i.e.* as banks. They lent to Henry III and to Edward I. The Order had become rich from legacies and offerings. They had been the favourites of Philip Augustus; Alfonso I of Aragon demised his whole kingdom to them. The States of Aragon annulled this, but had to pacify the Knights with huge grants of territory (they were loved by the Christians and feared by the infidels). They occupied the Temple in London peacefully for 120 years till their final overthrow.

Then came the accusation by Philip the Fair of Gnostic heresy and general misconduct<sup>2</sup> and in 1312 the Order, under pressure from Philippe le Bel, was suppressed by the Pope Clement V at the Council of Vienne and the properties transferred nominally to the Hospitallers, who had been

<sup>1</sup> Philip tried to get hold of their possessions by offering to join the Order; they refused.

<sup>2</sup> Philip had arrested all the Jews and banished them, but claimed against all debtors to them.

But the chief motive was the proscription of the Order of the Temple imposed upon Clement by the King.

(This was the beginning of the most hideous episode—we see the infamy of the executions, but cannot clearly show the innocence of the victims.)

on bad terms with them and were jealous ; a great part thereof, however, remained in the power and possession of the Sovereign and the Pope. The Grand Master, Jacques de Molai, was taken with a vast treasure in money, 150,000 gold florins. In 1307, the Temple in Paris was seized and proclamation made against the Knights ; 140 were imprisoned, and the fearful prosecution with torture and other horrors to extort confessions took place. Jacques de Molai, the Grand Master, and Godefroi de Charney were burnt by Philip in the little Island of the Seine on the 14th March, 1314.

Edward II of England had at first protected the Order in England, but it was suppressed in 1312 and the Temple in London passed to the Crown. In the reign of Edward III it was demised to the Lawyers.

Prosecutions and trials, accompanied by fearful tortures, took place, urged by Philip IV. The Pope Clement V at Avignon joined in the persecution. The secret rites of the Templars were suspected ; in fact the jealousy of the King was aroused by the immense influence and great riches of the Order. They numbered 15,000 Knights, mostly French, and possessed 10,000 manors in Europe, and immense landed property in Spain. In 1309 the case went to Paris, and five of the incriminated Knights were slowly burnt.

In the second session of the Council of Vienne in 1311, the Order of the Temple was suppressed

after a military service of 184 years. See the Papal Bull "Vox in Excelso."

Clement dealt with the properties of the Templars as well as with the Order itself. The lands and possessions were indeed handed nominally to the Knights of St. John, but the other treasure was charged with such enormous costs that it was appreciated by Philippe le Bel.

The Templars founded other Orders in Spain and that of Christ in Portugal.

Traces of the Templars are to be found in modern secret societies, among others in the Rosicrucians and Freemasons.

It is said that traces of the usages of the Templars exist in the legal terms used to this day—The Judges becoming Knights; the *Fratres Servientes* Serjeants; the Waiters—Panyers, "Pannarii," the Scullions, Washpots.

In 1213, two Knights Templars were sent to King John of England by Pandulf, the Pope's Legate, to say that the latter desired to speak with him, they went back to fetch the Legate, who plainly told John that he was in danger of being abandoned by the great men of England and that he must submit in order to save his kingdom lost by his revolt. The Barons threatened John to seize his castles, and coming in a warlike posture, he then lodging in the New Temple at London, there charged him with his oath.

At the seizure of the persons and goods of the Templars an inventory was taken by the Ex-



chequer in 1307-8. There were residing in the Temple a Master, twelve Brothers of the Order, Preceptor, Treasurer and six Chaplains, clerks, servants, gardener, porter and attendants. The Hall of the Templars remained the Hall of the Inner Temple, but the Hall of the Master of the Temple and his establishment did not then pass to the new Templars. To them belonged the two Halls (one the Refectory of the Knights), the gardens and all buildings between the Hall and the river to the south, and between the cloisters and the land, afterwards occupied by the Earl of Essex, called the Outer Temple, to the west.

In 1347 the Hospitallers, *i.e.*, the Order of St. John of Jerusalem, were in peaceful possession of the New Temple. "They farmed the same out, by the name of their *Mansion or Manor place* of the New Temple, *unto divers Professors of the Common Laws of this Realm who are* supposed to have come from Thavie's Inn, at the yearly rent of £10 ever since which time they and their successors Professors and Students of the Common Laws have there resided."

The sum of £10 was always paid till the fee simple was purchased by the Temples in the reign of Charles II (subject to life estate of Queen Catherine of Braganza) for £80.

HOSPITALS FOR THE PILGRIMS WHO HAD VISITED  
JERUSALEM FOR CENTURIES.

*The Order of St. John of Jerusalem.*

The Kingdom of Jerusalem was founded in 1099. Between that and the middle of the twelfth century churches and buildings were erected. The first appearance of a force of Hospitaller Knights was at Antioch in 1119. The Military constitution of the Knights of St. John was complete in 1128. Jerusalem capitulated in 1187. They established themselves at Ptolemais—St. John d'Acre—in 1192, from 1309-10 to 1522 at Rhodes.

The Templars and Hospitallers fought at Margat and elsewhere; the Knights fought their way to Cyprus, then acquired Rhodes in 1310. The Order was then divided into seven langues (tongues). The Bailiff in England was called the Turcopilier. They left Rhodes in 1523.

The Grand Master, de l'Isle Adam, accepted from the Emperor Charles V the Sovereignty of Malta in 1530—they successfully resisted the siege in 1565. A new hospital was founded in 1575 tended by the seven langues. Space does not permit the record of the history of the Order and its re-establishment.

1529 to 1798 in Malta—the Order reconstituted and exists to the present day in Europe. See treaty of Amiens. This order had precedence of the Teutonic Order. It took a great part in the

first Crusade. After the siege of Ascalon, the Order received from successive Popes great privileges and from the Emperor great gifts.

The Hospital became universal. Kings, Prelates and the laity overwhelmed it with wealth. In the later Crusades disputes had arisen between the Templars, Hospitallers, and the Teutonic Knights; the fusion of the Orders suggested by Clement V broke down. The Templars were attacked, prosecuted, and dissolved, and to the Hospitallers were assigned various properties and wealth of the Templars, among others the Temple in London.

After that, Knights of St. John succeeded to the possession of the Temple Church and appurtenant buildings; the latter, as temporalities, were let to the lawyers for the sum of 20 marks per annum, which was regularly paid to the Prior of the Order. The Knights reserved, however, for themselves the church with its chapel, and the officer who acted as keeper or guardian of the church was an ecclesiastic known as the "Master of the New Temple," who had a hall and lodgings for himself.

After the passing of the Act 32 Henry VIII which dissolved the Order of Knights Hospitallers, William Ermsted, Master of the Temple, by deed dated 2nd March, 1542, leased to Sir John Baker, Speaker of the House of Commons and a Bencher of the Inner Temple, for a rent of 40s. the Master's lodgings and all the appurtenances for twenty years.

Two chambers were reserved for the four priests of the Temple. These were sold after to John Berwick and Robert Freke (a member of the Inn), and the lay portion after that time was held by the Inn at a rental of £10 per annum, but as the tenants at will of the Crown, and no longer as lessees of the Prior of St. John.

Full particulars of these transactions are to be found in the Introduction to Master Inderwick's "Calendar of the Inner Temple Records," Vol. I.

At the visit to the Temple of Wat Tyler (1381), where the most noble and worthy of the law students, "*locum qui vocatur Temple Barr in quo apprenticii juris morabantur nobiliores*," then lived the rebels burnt with fire "*plura munimenta quae juridici in custodiâ habuerunt*."

In the seventeenth century an unseemly quarrel took place between the Master, a Laudite, and the Reader, a Calvinist, so that it was said "the forenoon sermon spake Canterbury, and the afternoon Geneva."

The great Priory Church at Clerkenwell was almost entirely destroyed. St. John's gateway still exists, rebuilt in 1504, and there is the office of the Order.

The English langue (tongue or branch) though deprived of its lands, was never formally suppressed.

Up to the Reformation, the Grand Prior or Lord of Saint John, although exercising no control over

the lawyers, acted the part of landlord. At the Reformation and the dissolution of the monasteries the Order of the Knights of St. John of Jerusalem in England was dissolved by Henry VIII and the Crown took into its own hands the property and revenues of the Order, requiring an oath of allegiance to the King in lieu of that previously taken to the Grand Master. The instrument is dated 7th July, 1538.

The Order still exists in England under the style of the Grand Priory of the Order of the Hospital of St. John of Jerusalem in England, and after its re-establishment here was founded St. John's Ambulance. His Majesty George V is Sovereign Head and Patron.<sup>1</sup> Queen Alexandra is a Lady of Justice. Many ladies have that title (as being justly entitled); Ladies of Grace are so styled as being admitted to the Order.

The Order of Malta has perhaps greater importance on the continent and the Chevaliers of Malta take vows of celibacy.

The Teutonic knights disappeared in the fifteenth century. Marienburg, their castle, was rehabilitated by the present German Emperor in 1902, and the Knights of John, who were the superiors of the Teutonic Knights, located there.

The Knights resisted Henry VIII. Many suffered and their properties were sequestrated; others

<sup>1</sup> The Grand Prior is the Duke of Connaught; Sub-Prior, Viscount Knutsford, G.C.M.G.

retired to the headquarters of the Order ; the Prior Weston died on the day of the dissolution of the Order ; others were attainted of high treason and beheaded. Sir David Germans was hanged and quartered in 1541.

The property was annexed by Elizabeth and transferred to the Crown and its nominees—the deer park at Kilburn (formerly a nunnery, but which afterwards reverted to the Order) retains the name of St. John's Wood.

The Houses of the Priory at Clerkenwell were pulled down by Edward VI. Mary incorporated the bailiffs, Commissioners and Knights, gave them a Common Seal, when Sir Thomas Tresham was made Grand Master, but Philip and Mary had established the order at Kilmainham in Ireland.

### SECTION III

#### CIVIL AND CANON LAW

In the sixteenth century the study of the Canon Law had become a legal part of the curriculum of Trinity Hall in the University of Cambridge. It rested upon the decision of mediæval Popes and

<sup>1</sup> *College Histories*, Trinity Hall, H. E. Malden, A.M.

Jurists or upon the Canons of Latin Councils. It has been said that "The science of the Canon Law was a survival of a definite period, complete in itself, inexplicable by what went before it, and unaffected by what was passing round it." "Roman Civil Law means an Imperial system and Canon Law an Ecclesiastical system of law."

The religious movement abroad and in England, the expansion of the Royal supremacy, and the lessening of the authority of the Ecclesiastical Courts ran counter to the preconceived notions and prejudices of the Canonists.

The common law of England knew nothing of the laws of marriage, nor of testamentary dispositions, consequently the practitioners in the Ecclesiastical Courts dealing with the canon and civil law were entirely separate from the practitioners in the Common Law. Early in the sixteenth century the Ecclesiastical lawyers living in London, who no doubt envied their brethren of the Common Law and Chancery their Inns of Court, determined to club together so as not to be confounded among the ordinary masses of the people.

The civilians were regarded with jealousy both by the Common Lawyers and by the Clergy of both the Puritan and Laudian Schools.

Fortescue, in his dialogue "*De Laudibus*," asserted the superiority of the State under English

Law, to one where the functions and the prerogatives of government were based upon the Law of Rome.

See Stubbs and Maitland as to the authority of the Roman Law.

Inasmuch as the student professors of the Civil and Canon Law were shut out of the Inns of Court, William Bateman, Bishop of Norwich, founded in the time of Edward III Trinity Hall, Cambridge, as a School for Theology and Canon and Civil Law. (Bull of John XXII, 1317).

In 1534 Henry VIII forbade the lectures of the Canonists and abolished their degrees, and, though the Canon Law was still binding on the clergy, the King reduced it to a set of rules which he might modify at pleasure. The practice of the Ecclesiastical Courts was soon transferred into the hands of the civilians, but the King had founded a Regius Professorship of Civil Law in 1540.

The history of Doctors' Commons is thus intimately connected with that of Trinity Hall, Cambridge. I find in Malden's "College Histories of Cambridge" a tolerably full statement of these relations. They ceased in 1768.

In the first place, Gardiner, Secretary of State under Henry the Eighth, who had at that time been under the influence of Cardinal Wolsey, occupied himself with the teachings of the Canon and Civil Laws, and he from 1525 to 1557 was



Master of Trinity Hall. When he lost his bishopric, he was followed by Dr. Harvey.

In 1568 (*i.e.* twenty-three years after the statute as to Lay Doctors) Doctor Henry Harvey, the then Dean of the Arches, "a reverend, learned and good man," purchased and provided a house for the advocates practising in the Ecclesiastical Courts, to reside in together. It is possible that there was some combination of these advocates existing before this date.<sup>1</sup>

After the fire of London, the advocates rebuilt their college on the site known as Doctors' Commons, and there they flourished until the removal of the matrimonial and testamentary jurisdiction of the Ecclesiastical Courts deprived them of nearly all their business. Their connection with the Ecclesiastical Courts seems to have been analogous to that of the Inns of Court with the Court's temporal. A merely voluntary society, Doctors' Commons, gradually obtained for its members a monopoly of pleading in the Church Courts of the Province of Canterbury. No one was eligible for admission into the college who was not a Doctor of Laws, either at Cambridge or Oxford,<sup>2</sup> and the members were admitted to the Bar by the fiat of the Archbishop of Canterbury. Dr. Harvey procured for his own college, from the

<sup>1</sup> See Lewis T. Dibdin's book on "Church Courts," p. 60.

<sup>2</sup> Oxford, Dr. of Civil Law, D.C.L.; Cambridge, LL.D., Dr. Utriusque juris.

Chapter of Saint Paul's, a lease for 99 years of Mountjoy House, and adjacent buildings in the parish of Saint Benet's, St. Paul's Wharf, and quartered the Doctors and Advocates there. This place was henceforth known as "Doctors' Commons." It was rebuilt in 1672.

In 1768 Trinity Hall surrendered its lease of the buildings to the Dean and Chapter of St. Paul's, and the doctors, incorporated by George III, bought the estate for themselves, being enabled to do so by a Royal grant of £3,000 out of the droits of Admiralty. They were incorporated in the style of "Doctors of Law Exerceant in the Ecclesiastical and Admiralty Courts" with thirty-four proctors (procurators).

A full account of Doctors' Commons is to be found in Stow, Vol. I, page 170.

The Courts were numerous.

Court of Arches, the Ecclesiastical Court of Appeal of the Archbishop of Canterbury held at St. Mary-le-Bow (Beata Maria de arcubus) Dean of the Arches presided. It was one of thirteen in the Diocese of London, but was exempt from the jurisdiction of the Diocese of Peculiars; there were 500 Advocates and Proctors introduced by the Pope to curtail the Bishop's authority.

Court of Audience—The Doctors sat as judges with the Dean.

Court of Prerogative — Under the Archbishop.

Court of Faculty—Dispensations for fasting, &c.

Court of Admiralty<sup>1</sup>

Court of Delegates—Royal Commission (Advocates and Proctors).

Prohibitions from the King's Court, forbidding these Courts to take cognisance of certain matters, were frequent. These prohibitions became grievous, and Convocation presented a petition from the Lower House to the King in 1606.

In 1856 the Doctors surrendered their charter of incorporation to the Crown, obtained an Act of Parliament authorising their dissolution and the disposal of their property, and the Ecclesiastical Courts were thrown open to the Bar (Court of Probate Act, 1857). The Doctors for the most part became Barristers.

The death of Dr. Tristram, who had never joined the Bar, but appeared in Court under the statute, took place in the present year.

Thus we see that the members of Doctors' Commons came to be ordinary members of the Bar, and have long been competent to appear in all Courts. Many became Benchers of the Inns of Court.

<sup>1</sup> The Judge, Clerk, and Serjeant of the Court of the Admiralty claimed the goods of traitors and pirates, but in the reign of Elizabeth the Lord Admiral passed all these interests to the Queen.

## SECTION IV

## INTERNAL ADMINISTRATION

## RULES

Combination with the *General Council of the Bar*, the *Council of Legal Education*, and the *Joint Committee of the duties, interests and discipline of the Bar*.

## THE LIBRARY.

In his introduction to his first volume of the "Inner Temple Records" Master Inderwick says: "Long before the reign of Henry VII the Inn had a Library, a possession which places the old house, for educational purposes, in advance both of the Middle Temple and of Lincoln's Inn. The present Library buildings have been much enlarged during the last forty years. The large increase of readers rendered the additions necessary. The number of volumes is now over 60,000, of which about one-third may be described as law books, the remaining two-thirds consisting of standard works in all classes of Literature. A Master of the Library is elected annually in Michaelmas term for the year commencing on the ensuing 1st of January. He is always the Benchers next in rotation for the Treasurership, but if he declines to serve in that office he still retains the Mastership of the Library till his term expires. He has the right to expend

£50 in the purchase of any books he may think fit. This amount, together with a like sum for a similar purpose at the disposal of the Treasurer, is of special use in acquiring out of the way works not likely perhaps to come within the purview of the Library Committee. The staff consists of the Librarian Mr. J. E. L. Pickering, who has under him two assistants and an attendant. Since 1881 the Library has remained open throughout the Long Vacation. Formerly it was closed entirely during September. Rules against the introduction of strangers, conversation, the reading of newspapers writing of letters, &c., are strictly enforced, as any attempt to convert the rooms into anything of the nature of a club has always been deprecated."

#### ADMINISTRATION AND MANAGEMENT OF THE INN.

I now turn to the administration and management of the Inn. This is carried on by the Masters of the Bench. Of these there are at present 60, who are presided over by the Treasurer of three years' standing as a Bencher except in the case of the Law Officers of the Crown (the Attorney- and Solicitor-General). The Treasurer is elected, and holds office for one year.

The Reader (Lector) acts for the previous year. If elected he succeeds the Treasurer. During his term of office he is master of the library. His coat of arms is affixed in the Hall.

The Benchers are selected from the members of the Inn by co-option ; they no longer claim election by seniority, but are proposed and if chosen are elected by ballot. They must be of ten years' standing. On his call to the Bench a Bencher has to pay a fee. This was formerly three hundred guineas and in respect thereof certain Chambers, as they fell vacant, were allotted to qualified Benchers in order of seniority. The fee is now two hundred guineas, and in respect thereof no right to Chambers exists ; these holdings will be merged in the general property of the Inn.

Under the Acts of Parliament, Lords of Appeal, Judges, and the Speaker of the House of Commons may be elected when a vacancy occurs. These do not fill vacancies and are considered additional Benchers.

King's Counsel are described as "silk," barristers as "stuff." Their seniority follows the date of their election, for which now seniority does not count.

The Benchers sit in two capacities—one in Parliament, another at the Bench Table. In former times solemn matters were generally dealt with only in Parliament. The proceedings at Bench Tables are of later date. Calls to the Bench are made by the Bench Table and require confirmation by Parliament. Most of the ordinary business is done at the Bench Table.

The Benchers in Parliament sit robed. The

quorum is five, exclusive of the Treasurer. The Bench Table Orders are made and passed from time to time as orders obligatory upon the Bench and upon members of the Society generally. Some of these require to be confirmed by Parliament. The admission of students takes place in the ordinary course of business.

Committees of finance, library, garden, chambers, accounts, house, wine, fire engines, sit on days fixed, or when specially summoned, the proceedings being regulated by the Acts of Parliament and Bench Table Orders made from time to time.

The Bench considers communications from and to the other Inns of Court, more especially those of the Middle Temple, as of domestic importance ; also with the General Council of the Bar, the Council of Legal Education, the Council of Legal Reporting, the Joint Committee on the duties, interests and discipline of the Bar, and other officials and authorities.

#### RIGHTS OF ADMISSION TO THE BENCH.

QUESTIONS have arisen from time to time upon the rights of members of the Inn to be called to the Bench. These calls are made, not exclusively from King's Counsel, but from barristers who have attained high positions in practice, or in certain other respects. The discretion of the Bench in this respect is held to be exercisable by them in their absolute discretion but as delegated from the

Judges, hence the Lord Chancellor and the Judges had and still retain their rights to act as Visitors.

In 1694-5 John Fry, an ancient of Gray's Inn, suggested he had been pretermitted in two calls to the Bench wherein several of his puisnes had been called and had thereupon petitioned in pension for his call and his petition rejected.<sup>1</sup> Chief Justice Holt, Baron Nevill, Justice Gregory and Baron Turton being assembled at the Lord Chief Justice's Chamber at Serjeants' Inn in Chancery Lane, the Benchers insisted that it was an inherent right of the Bench to judge who were fitted to be called to the Bench, and who not. The Lord Chief Justice declared that the call to the Bench was not a matter of right in any person but was in point of government only, and that it was discretionary, and both persons and time ought to be left to the judgment of the Bench in whom the government of the Society resided, and that unless the appellant had been called and then disbenched, no cause need be assigned why the Bench refused the appellant. The rest of the judges seriatim delivered their judgment to like effect, and thereupon the said appeal was dismissed, and the said Benchers thereby refused to call him (Fry), the said appellant, to the Bench.

Lord Mansfield (in the case of the King against

<sup>1</sup> M.T.—Another case. Frank North, afterwards Lord Guilford, was proposed, but the Benchers demurred; their objection was overruled by the King, 1668.



Gray's Inn, Douglas 353) said the right to call to the Bar really belonged to the Judges, who delegated this to the Inns. And with regard to the origin of the powers of the Benchers his Lordship further remarked :

"We have consulted the other Judges on the subject of this application and I am prepared to state the result. The original institution of the Inns of Court nowhere precisely appears, but it is certain that they are not corporations and have no constitution by charters from the Crown. They are voluntary societies which, for ages, have submitted to government analogous to that of other seminaries of learning. But all the power they have concerning admission to the Bar is delegated to them by the Judges and, in every instance, their conduct is subject to their control as visitors. This will appear from a great variety of instances of orders made at different periods for the regulation of those Societies, which are to be found in 'Dugdale's Origines Juridiciales,' some of which I will mention. His Lordship then read different passages from Dugdale (141, 147, 148, 191, 193, 274, 275, 311, 312, 313, 314, 317, 319, 320, 322, 327). From the first traces of their existence to this day no example can be found of an interposition by the Courts of Westminster Hall proceeding according to the general law of the land but the judges have acted as in a domestic forum."

## RESTITUTION TO CHAMBERS.

Booreman's Case, March 177.

Booreman was a barrister of one of the Temples and expelled the House and his chambers seized for non-payment of Commons. Writ directed to the Benchers of the Society, but was denied by the Court because there is none in the Inns of Court to whom the writ can be directed, because it is no body corporate but only a voluntary society; and they were angry with him for it, that he had waived the ancient and usual way of redress for any grievance in the Inns of Court which was by appealing to the Judges, and would have him do so now—

*Note.*—

See also Kenealy's Case.

V. C. Hall.

Manisty	}	. . . . .	24 WR.—918.
v.			
Kenealy			

*Benchers sole right to admit or call.*

Inderwick III. 322.

Hearing before Holt and other Justices.

In the Chief Justice's Chambers in Serjeants' Inn in Chancery Lane.

Refusal to call. Left to the judgment of the Benchers.

Call refused.

Daniel Whittle Harvey O'Connell. See Report of 1855, evidence 140.

Suggested disbarring be left to the Judges.

## REFUSAL TO ADMIT.

### JURISDICTION OF BENCHERS.

4 B. & C. 855.

*R. v. The Benchers of Lincoln's Inn.*

CHIEF JUSTICE ABBOTT.—“I am of opinion that this Court has no power to compel the Benchers of this Society to permit any individual to become a member of the Society or to assign any reasons why they do not admit him.”

Petition from Antigua

P.C.

Knapp

267.

Justices of C. P. in Antigua.

LORD WYNFORD.

“In England the Courts of Justice are relieved from the unpleasant duty of disbarring advocates, in consequence of the power of calling to the Bar, and disbarring, having been in remote times delegated to the Inns of Court.

“The power of suspending from practice must, we think, be incidental to admitting to practice.”

## OFFICERS.

## THE SUB-TREASURER.

The Sub-Treasurer is an important officer appointed by the Bench who acts as Registrar. He is the acting head of the internal administration with authority over the officers and servants.<sup>1</sup>

Article 78. The Sub-Treasurer among others is appointed by the Bench Table and confirmed by Act of Parliament.

Article 37 of the Acts of Parliament and Orders mentions the duties of the Sub-Treasurer. He asks in writing whether the reader wishes to serve as Treasurer in the following year, and if the answer is in the negative, he asks him to send in at once his written resignation.

These questions are put successively, until one is reached who does not refuse, if elected, to serve as Treasurer. The Sub-Treasurer must conclude this enquiry before the first day of Easter Term.

The Sub-Treasurer pays all allowances for repairs of Bench Chambers and rates and is allowed for it in his accounts.

The Sub-Treasurer is an overseer of the Inner Temple, and, if necessary, can make a rate upon the occupiers.

Under 81 a Standing Committee is appointed to superintend the letting of all Chambers of the

<sup>1</sup> The present Sub-Treasurer, Mr. Wrangham, is a grandson of the late Serjeant Wrangham.

Society. The accounts of rents are to be delivered to the Sub-Treasurer half-yearly for payment.

No one can be put into the paper for a call to the Bar unless upon a certificate from the Sub-Treasurer of his standing and other qualifications, which are to be laid before the Table at least two days before motion of call.

Forms are printed for the use of the Sub-Treasurer; his clerk is employed in continuing an index to the Bench Table Orders.

The Sub-Treasurer has to deliver a particular, alphabetically, of all bonds given by students in his custody, to every new Treasurer on his admission.

If any servant of the House is guilty of serious misconduct in his office, the Treasurer or, in his absence, the Sub-Treasurer, has power to suspend him.

The Sub-Treasurer has to attend at every Parliament and enter Acts, etc.

The Sub-Treasurer has to put down in a book, kept for the entry of Bench Orders, the names of all Benchers present at the making of any Bench Table Order, and if any Bencher then present shall dissent to any order then proposed to be made every such Bencher shall and may at the time enter his dissent or protestation thereto.

Orders for work must come from the Treasurer, Sub-Treasurer, or Surveyor.

Another official is the Collector, whose duty is to

receive the rents of chambers occupied by members, or others, and the rents are paid daily into the bank. A Surveyor deals with the construction, maintenance, repairs, and renewals.

Service of the Hall and the Bench Table is carried on by a steward and other servants, some of whom are employed in the church.

As is the case with the church, the organist and choir are common to both Inns, which bear the expense thereof. The Choir Committee consists of Benchers from both Inns. The nomination of the organists and vergers, in case of vacancy, is made by each Bench alternately.

#### ADMISSION OF STUDENTS AND CALLS TO THE BAR.

The proposal for admission of a student must be made by a Bencher, the necessary fees paid, and a deposit made. This deposit, in case of the Inner Temple, when the candidate is not a member of a University, is £100. The candidate has to make a declaration, but an oath is no longer required.

The student is admitted to be a member of the Inn; subsequently, after keeping twelve terms, subject to certain examinations, the candidate is eligible for a call to the Bar, and he is thereon at the Bench Table declared by or on behalf of his proposer to be "a fit and proper person to be called to the Bar."

Subsequently, on call night, the sixteenth day of

term, the Benchers move his call, which is duly made and the newly elected barristers are addressed by the Treasurer, healths are drunk, the student's gown is replaced by that of the barrister, the wig is donned and he is then eligible for practice generally, subject to the regulations referring to the etiquette and practice of the Bar.

The rule as to the payment of the deposit does not extend to all candidates, as is seen from the proviso to Article 108, which is as follows:—

“Provided that this Order shall not extend to any person who shall previous to his being called to the Bar produce a Certificate of his being a member of the College of Advocates in Scotland or of his having taken a degree or kept two years' Terms in any of the Universities of Oxford, Cambridge, Dublin, London, or Durham, the Victoria University of Manchester, the Universities of Leeds, Liverpool, Birmingham or Wales, or the Royal University of Ireland, and in case such deposit as aforesaid shall have been made the same shall be immediately returned to him upon his producing such certificate as is above mentioned.”

The qualification of persons for admission to the Inns of Courts for the purpose of studying under definite rules, with the intention of being called to the Bar, has been the subject of close attention, and this from the very commencement of the establishment of the Inns of Court. In

Elizabeth's reign the standard of education for the profession of the Bar had already been raised ; a definite system of legal training was introduced by Queen Mary and regulated by Coke and his predecessors. The practice as to insisting upon a preliminary examination before admission has varied from time to time. Examination preliminary to admission was compulsory from 1864 up to 1910, when the present regulation took effect. There is now substituted for it the certificate hereafter mentioned.

This also applies to the qualification for a call to the Bar. Formerly, the practice of the Inns differed, and it was found that the best mode of securing the uniformity would be to bring about a combination or association of the four Inns and to establish a central authority to deal with the matter.

In consequence, the Council of Legal Education was established in 1883, and from time to time it has issued reports and published regulations, and has appointed Readers in various branches of law and history who give public and private lectures, and a Board of Examiners has long conducted the examinations for ordinary passes and for honours held before every term.

Under the Consolidation Regulation of the 1st October, 1910, since December, 1910, no preliminary examination has been held, but the candidate has to show that he has belonged to some one of



the Universities, Colleges or Schools of Law, as mentioned in the regulation.

The regulation now in force is that of the 1st October, 1910. The Council consists of twenty Benchers, five to be nominated by each Inn of Court. To this Council is entrusted the power and duty of superintending the education and examination of students, and the arranging and settling the details of the several measures which may be deemed necessary to be adopted for those purposes.

### CALL TO THE BAR.

In order to be called to the Bar a candidate has to pass a public examination to the satisfaction of the Council, and has to obtain from the Council a certificate of having passed such examination, which is produced to the Bench of his Inn. (See the Consolidated Regulation of 1st October, 1910, Article 21).

Honours obtained in the examinations of students take the form of Studentships or Certificates of Honour; certain grants are made to individual students or young barristers in aid of fees for reading in Chambers. Honours entitle the student to certain exemptions, not exceeding two, from the keeping of the full number of twelve terms.

The Inns of Court contribute to the funds of the Council of Legal Education, to which the function of directly dealing with the education of students—

formerly exercised by the Inns themselves—is delegated. The Common Fund is made up under Article 68 of the Regulation of October, 1910 (there is a joint Board of Education).

JOINT COMMITTEE  
ON THE  
DUTIES, INTERESTS, AND DISCIPLINE OF  
THE BAR.

*Chairman*—E. Tindal Atkinson, K.C.

*Secretary*—Walter G. Wrangham.

Appointed in 1894 on a recommendation of a Joint Committee, that a standing Joint Committee of the four Inns of Court, consisting of five Benchers from each Inn being practising barristers, of whom two, at least, shall be juniors, be appointed for the purpose of considering and from time to time reporting on any such matters relating to the duties, interests, and discipline of the Bar as any one of the Inns may think proper to refer to them.

The salary of the Secretary, and since 1908 all other expenses, are borne jointly by the four Inns.

The revenues of the Inn are derived from the rents of their property, the contributions of the students on their admission, of the barristers at their call to the Bar, and from the Benchers when called to the Bench, and from certain dividends; from these revenues provision is made for the

maintenance, repair, and renewal of the church, the halls, libraries, and houses and chambers, which are occupied preferentially by members of the Inn, but to a small extent let to outside persons.<sup>1</sup> The numbers of the Inn are, of course, kept up by yearly additions of students.

The practice of allotting chambers for the use of Masters of the Bench was settled in 1557, but the Table Order was made in 1586. In June of that year, twenty chambers were set apart; in 1587, twenty-six. The number of chambers now so set apart is thirty-two.

Certain outgoings in respect of the Master, the Leader, the organist, the choir and other expenses connected with the Temple Church, are paid by the societies.

Although the Temples are extra-parochial, certain contributions are made to the rates, the assessment being based, to a certain extent, on the inclusion of some 120 parishes under the Act of 1907, Union of Parishes Act. The Temple also discharges its proportion of the police rate of the City.

### THE GENERAL COUNCIL OF THE BAR.

The General Council of the Bar took the place of the Bar Committee—this was formed in 1883. The Circuit Mess and the organisation of Barristers practising in Chancery are practically superseded by

<sup>1</sup> See Appendix to Reports, Whitely, Q.C.

the General Council. It is supported by contributions from the four Inns of Court. A general meeting takes place annually, presided over by the Attorney-General as head of the Bar. It is recognised as representative of the Bar by the Judges and the Legislature.

The full plan of the General Council of the Bar (in so far as the participation of the Inner Temple and the voting power of that Inn as one of the four is concerned) has not as yet been approved by the Benchers of the Inner Temple, who could not agree to the apparent waiver of some of their most important functions, duties, and rights.

The general expenses of the General Council of the Bar are about £1000 per annum. Of this, £500 is provided in equal proportions by the four Inns—that is, each Inn contributes £125; the remaining £500 is provided by the four Inns in proportion to the number of practising barristers in each Inn.

Hence in 1911 the contribution of the Inner Temple was

$$\begin{array}{r}
 £204 \quad 8 \quad 0 \\
 125 \quad 0 \quad 0 \\
 \hline
 £329 \quad 8 \quad 0
 \end{array}$$

## SECTION V.

A Royal Commission was appointed by Queen Victoria in May, 1854, to inquire into the arrangements in the Inns of Court and Inns of Chancery for promoting the study of Law and Jurisprudence. This was addressed to Sir Wm. Page Wood and others. The Commission sat for a long time and reported on the 10th August, 1855, to Parliament.

To the Report, printed by the Queen's printers—a copy is in the Library of the Inner Temple—are annexed the evidence taken and copies of various documents, deeds, and instruments.

The Commissioners were satisfied with the result of their inquiry and testified, as follows :

“And we can state with confidence of all the four Inns, not only that we have found no trace of the misapplication of these funds to the personal advantage of individual Benchers, but, on the contrary, we recognise creditable instances of disinterestedness and public spirit displayed in the relinquishment of considerable fees heretofore payable to Benchers holding offices in the Inns.”

## GENERAL REMARKS

From time to time persons unacquainted with the manner in which the work of the Inns of Court is done, decry their action, insinuate that the interests of the Bar, and incidentally of the public, are not thoroughly and properly protected; that the management of the property requires examination; and, indeed, that the whole system of admission of students, their education, and their subsequent call to the Bar is inadequate, and that the regulations of the profession are not adequate. I proceed to deal with these strictures. I cannot refrain from noticing some statements about, and criticisms of, the Inns of Court in a book about English Law recently published:—

They are compared to “a tree with little vigour and luxuriance left.”

“From a utilitarian point of view they are anachronisms. They have ceased to be educational bodies and would be better managed by a limited company.”

“The creation of a General Council of the Bar has not only deprived the Inns of Court of their old disciplinary functions, but made the unfitness of these societies to control a part of the legal education of the country more obvious.”

“They fill a comparatively small place in the legal system of England and are of no account at all in the social life of the time.”

"The Inns are wholly free from any species of State control."

"The dissolution of this famous Order (the Knights of S. John of Jerusalem) in 1540 when the lawyers became the owners of the entire Temple as tenant at will of the Crown." This is incorrect.

"How truncated and diminished then in our day is the great legal academic system of an earlier age."

"Complete separation and want of sympathy, educationally considered, between the Universities and the Inns of Court."

I deny very emphatically the accuracy of such views. The findings of the Commission of 1855 are applicable to these establishments now. The Council of the Bar has not in any way deprived the Inns of Court of their disciplinary functions.

To begin with, the Benchers of this Inn, and doubtless those of the other Inns, devote a great deal of time to carefully looking after the internal business of the Inn and the other duties cast upon them. The work of the Treasurers is heavy; they and the Bench and the officers have to attend carefully to a vast number of details, each of great importance. Their vigour is in no way impaired.

To take the present constitution of the Bench of the Inner Temple, it comprises high dignitaries in

the law and in the legislature—the ex-Lord Chancellors, Lord Halsbury and Lord Loreburn, several peers of the realm, five Judges, the Speaker of the House of Commons, Judges of the County Courts, magistrates, and other high officers, King's Counsel and Barristers of eminence. These, as actual Masters of the Bench, take part not only in the discipline of the Bar, such of as belong to the Inn, but carefully watch over the administration of its property and revenues.

I desire to refer you to an excellent paper printed by the Bench, read by the late Judge William Willis, one of the Masters of the Bench, on those distinguished and famous Benchers and members of the Inner Temple who not only occupied great posts, but have shed a brilliance on this House. In that paper are enumerated the great judicial and other officers of State, who belong or have belonged to the Inner Temple. The author, however, omitted the name of Sir Francis Drake, who was at one time a member of this House. The Society has also comprised great names in literature beginning with that of Geoffrey Chaucer.

I am of opinion that the high and exceptional position occupied and the great privileges and immunities possessed by the Inns of Court redound to the benefit of the country and serve to secure the services of the best and most learned men to be found in the nation.



I see no trace of falling off. The number of students keeps up, and I think there is still attracted to the Inns of Court a very large proportion out of the educated classes who, if they do not continue in the profession and attain eminence in it, from their connection with the Institution acquire experience valuable to them in their different careers in life.

The praises of Spenser, of Jonson,<sup>1</sup> of Fortescue, of Dugdale and of Selden are, I firmly believe, deserved by their successors of to-day.

Now as to the position occupied by the profession at the present time and the dignity of the same which has been accorded to it by the Crown and the Legislature from the earliest period of the history. The gentlemen of the Inns of Court have always been recognised as being part of the Court of the King, hence the name Inns of Court.

Long may our perfect freedom continue, accompanied as it is and must be with a full sense of our immense responsibilities and important duties, and may all worthily be recognised and faithfully discharged.

Let us say of the Fellowship and Society of the Inner Temple "esto praeclara esto perpetua."

Naturally a good deal of what I have been laying

<sup>1</sup> "The noblest nurseries of humanity and liberty in the Kingdom."—*Every Man out of his Humour*.

before you applies equally to the Middle Temple and also to the other Inns. They will, I am sure, be dealt with thoroughly by their respective representatives.

Master Ingpen has already in his reproduction of "Master Worsley's Book" shown great research and learning in the history of the Middle Temple. But in order to secure a certain completeness I have thought proper to include various particulars which apply more or less to the other Inns, and are dealt with by the other lecturers.

### RECAPITULATION.

The Inns of Chancery are gone. We have seen the end of the Serjeants, with their privileges. Doctors' Commons with the specialised practitioners there have ceased to exist.

While some particular courts and jurisdictions remain, all courts are open to the Bar in general.

It is true that in the report of the Commission in 1855, the union of the Inns into a University was suggested. This recommendation was not followed, but the combined work and activity of the Inns has been continued and their duties are assiduously carried out with the best results. The Benchers of the Inns retain their authority over the members

called by them respectively, and continuously take part in the consideration, discussion, and resolutions necessary for education, and for the discipline and etiquette of the profession.

The relations between the Bar and the other branch of the profession, I am sure, tend to the advantage of themselves and the public. Indeed, the Law Institution, duly incorporated, has assumed the function of the old Inns of Chancery, and members of that profession can without great difficulty or loss of time become members of the Bar.

The modifications and reforms in all the ancient Jurisdictions and the opening of the Courts of Justice, even the highest, to the Bar generally has resulted in the establishment of a consolidation of legal functions and a system of intercommunication, so long desired and recommended. The general standard of dignity and *esprit de corps* has been maintained and enhanced.

It is an error to assume that lectures are not given in the Inns of Court. Sir Patrick Colquhoun delivered three in 1887, and, before him, Master Bliss, Reader of the Inn, delivered five in 1863, so that they are no novelty.

The Inns kept themselves free from hostile intervention by the State, and from ecclesiastical interference and oppression. As voluntary associations they have charged themselves with, and personally have contributed to, the expenses and

burthens attending the holding, administering, beautifying, and maintaining their property and establishments.

They have provided themselves with halls, lecture-rooms, buildings, houses, and dwellings, at their own expense and risk, they have laid out gardens and maintained the church, and it must not be imagined that they have depended upon grants or subsidies or any form of endowment.

Antiquity alone entitles no organisation to respect and honour, but in this instance all who belong to what Dugdale calls the "noble societies of the Students of Law" have an unquestioned right to be proud of the history of the Inn, its discipline and usefulness. Nowhere can be shown a longer active existence, while the leading members have always been, and indeed still are, men of eminence and value to the State in various capacities outside the Law. There is no anachronism.

The fact that in spite of great and substantial changes of habits, views, and conduct (fortunately generally in favour of liberty and happiness), not only has our branch of the great profession of the Law in its entirety maintained and preserved its praiseworthy characteristics, but does now, as it always has done, command the respect of the nation. It is a notable fact that when we sit in our Halls in the capacities of Benchers, Barristers, and Students, our acts, ceremonies, and usages differ

but very little from the traditional acts and proceedings of our predecessors for ages past.

Nowhere in the world does the profession of the Law in its various branches and degrees retain the esteem and favour of the public to so great an extent as in this country.

### III

## THE MIDDLE TEMPLE

*A lecture delivered in Middle Temple Hall  
on Monday, May 6th, 1912, by*

ARTHUR ROBERT INGPEN, K.C.

THE year 1292 (20 Edward I) is a memorable year in the history of the Inns of Court. It is the date of the creation of a special and exclusive class of pleaders ; in fact, the origin of our present system of advocates with exclusive audience in the High Court—the Bar of England. By the Ordinance of 20 Edward I, the King ordained that John de Metingham, Chief Justice of the Court of Common Pleas, or Common Bench, and his fellow Justices should select from every county “de Attornatis et Apprenticiis,” to follow his Court and transact the affairs thereof, the best and most apt for their legal learning and skill, to do service to the King’s Court and people, and that those so chosen and no others should follow his Court and

transact the affairs therein. It was thought 140 would be sufficient, but the Judges were authorised to increase or diminish the number if they thought fit. It is obvious from the wording of the Ordinance that the persons so chosen were practitioners in the Assize Courts of the counties. The Attornati were skilled agents and advisers and the Apprenticii were lawyers. Both were practitioners in the Assize Courts, and it appears that in 1280, they practised in the Civic Courts of the City of London. Those so chosen were called Apprenticii de Banco because they were selected by the Judges of the Common Bench or Common Pleas as distinguished from the Judges of the King's Court.

Moreover they and no others were to follow the King's Court and transact the business therein. We know that the Serjeants frequently acted as itinerant Justices of the Court of Common Pleas, and while that Court sat in banco, as distinguished from sitting at nisi prius, they had exclusive audience. The Apprenticii chosen by the Judges of the Common Bench, when the Court sat in banco, were placed in the crib of the Court and listened to the arguments of the Serjeants, and learnt the art of pleading, and it was probably on this account they were called Apprenticii de Banco; although at nisi prius and at the assizes they were themselves practitioners.

There were no Utter-Barristers at that time. Sir Robert Brerewood tells us in his MS. History of

the Middle Temple that Utter-Barristers were of later date, and that they were only allowed to practice by licence of the Benchers of their Inn. They were called Utter-Barristers as being outside the bar of the Court as distinguished from practitioners practising within the bar of the Court, such as Serjeants and Readers or Benchers. The Readers or Benchers were called within the Bar and practised side by side with Serjeants, except when the Court was sitting in banco.

It is interesting to note also that the Year Books commence in 1292, and were notes of cases and of what took place in Court during sittings in banco written by some of these *Apprenticii de Banco*, and these Year Books continued practically to be the only Reports from the year 1292 to Trinity Term, 27 Henry VIII. (1536), about 250 years.

Now the *Apprenticii de Banco*, having the exclusive right (apart from Serjeants) to practise in the High Court, assumed the control of the Inns of Chancery to which they respectively belonged. Originally there were three principal seats or Hostels of learning in London; one attached to St. Paul's, another to St. Sepulchre, and the third to St. Andrew's. The consultations of the lawyers took place in the *parvis* or porch of the Church. The school attached to St. Paul's ceased to exist about the time of the Ordinance of 19 Henry III. (1234) forbidding the teaching of the Civil Law within the walls of London. The Hostel attached



to St. Sepulchre was called St. George's Inn and that to St. Andrew's, Thavie's Inn. The members of St. George's Inn, which is said to have been the oldest Inn of Chancery, in the latter part of the 15th century purchased New Inn, then called Our Lady Inn, and migrated there. New Inn always belonged to the Society known as the Middle Temple, so we may assume that St. George's Inn which was replaced by New Inn, was the original house of the *Apprenticii de Banco* who subsequently constituted the Society of the Middle Temple.

New Inn was purchased owing to St. George's Inn having fallen into decay, and no doubt members of that Inn had found more convenient lodgings elsewhere long before, since we find that between the years 1322—1326 *Apprenticii de Banco* had purchased chambers on the present site of Goldsmith Building, which site has ever since belonged to the Society of the Middle Temple. We may therefore assume that the lawyers who first occupied the site of Goldsmith Building came principally from St. George's Inn and are now represented by the Society known as the Middle Temple.

The *Apprenticii de Banco* who subsequently constituted the Society of the Inner Temple came from Thavie's Inn. Shortly before the year 1349, when John Thavie died, Thavie's Inn had ceased to be an Inn of Court or Chancery, and we find that Robert de Clifford, at the time of his death in

1344, had leased Clifford's Inn to the *Apprenticii de Banco*. Clifford's Inn was always associated with the Society of the Inner Temple—although it never belonged to it. About the year 1368, when William de Langeford, the former or lessee of the Temple, died, the parts of the Temple not already demised to the Middle Temple were no doubt demised to *Apprenticii de Banco* from Clifford's Inn who constituted themselves the Society of the Inner Temple.

The Hall of the Military Knights, on the site of Pump Court and Elm Court, was in the middle of the Temple, and became the property of, and was the old Hall used by, the Society of the Middle Temple until the building of their present Hall in the time of Queen Elizabeth. The lands at the back or south of the Church were called the Inner parts of the Temple—hence Inner Temple.

It is difficult to surmise, in the absence of Records, when the lawyers who first occupied the site of Goldsmith Building between the years 1322–1326 became possessed of the rest of the land known as the Middle Temple. Probably about the same time as, or shortly after, their occupation of that site, since we know that this Society paid a traditional fee-farm rent of £10 to the Earl of Lancaster for those parts of the Temple which were not retained by the Prior and the Brethren of St. John of Jersusalem. Hare Court, which separates the site of Goldsmith Building

from the rest of the Middle Temple site and which now belongs to the Inner Temple, was retained by the Prior and was the site of the original Exchequer Office. The Bishops of Ely, whose London Palace was in Hatton Garden, for many years prior to 1329 were Chancellors of the Exchequer, and the Exchequer Office in Hare Court is referred to in old records as the Bishop of Ely's chamber.

The Society of the Inner Temple, who acquired the rest of the Temple site or the inner parts belonging to the Prior other than the Church and Churchyard and including Hare Court, did not contribute to the traditional fee-farm rent of £10, but until the year 1521 paid an uncertain rent of about 20 marks to the Prior, when, as appears from the Inner Temple Records, it was agreed between the Society of the Inner Temple and the Prior that the latter should pay a fixed rent of £10.

Hence the origin of the two rents of £10 each referred to as payable by the two Societies respectively in the Letters Patent of James I (1608).

So it came about that the Society of the Middle Temple first located themselves in the Temple between the years 1322-26, and the Society of the Inner Temple became located in the Temple about the year 1368 or 40 years later.

When the *Apprenticii de Banco* located themselves on the site of Goldsmith Building the Prior had built thirteen houses on that site. Besides these

thirteen houses and the Church, and the Chapel of St. Anne on the south side adjoining the Church (the foundations of which are still to be seen), and the Chapel of St. Thomas on the other end of the Cloister adjoining the Refectory, the buildings in the Temple consisted of two Halls, one known as the Refectory or Hall of the Priests, adjoining the Chapel of St. Thomas (being the site of the Inner Temple Hall), with rooms above in the occupation of the Prior and his Brethren ; and the other was the Hall of the Military Knights on part of the site of Pump Court and Elm Court with four rooms above. There was also a room outside the Great Gate at the entrance to the Middle Temple Lane. The Hall of the Military Knights and the rooms last referred to, as well as the land of the Temple not appropriated to the Church, were in the custody of William de Langeford, who became lessee of the King at a rent of £24 a few years after the escheat of the unconsecrated parts of the Temple on the death of Hugh le Despenser in 1326. In 1338 the King sold the rest of the Manor of the Temple to the Prior and his brethren, who granted it to William de Langeford for his life. He, as already mentioned, died in 1368.

The Great Gate at the entrance to the Middle Temple Lane was rebuilt by Amyas Paulet, Treasurer, 1520, 1521. His early differences with Wolsey are well known. It is said that he caused Wolsey when a young man to be set in the stocks

for being drunk, which Wolsey did not forgive, and caused Paulet to be detained a prisoner in the Middle Temple for six years. He lodged in the Gatehouse which he sumptuously beautified on the outside with the Cardinal's Arms, Hat, Cognizance, Badges, and other devices.

The present Gate House was built in 1684 by Sir Christopher Wren.

The old hall of the Military Knights on part of the site of Pump Court and Elm Court is described by Sir Henry Chauncey, a Bencher of the Middle Temple, in his "Antiquities of Hertfordshire" (1650). What remained of it was pulled down in the year 1639, so that Sir Henry Chauncey was familiar with it. The building of the present Hall, in which we now are, was commenced in the year 1562, and was completed in the year 1571, and then, or shortly before, the members of this Society ceased to have Commons in the Old Hall in Pump Court. The illustrious Plowden, whose bust is at the end of this Hall, supervised the building, and he was continued in the office of Treasurer several years to enable him to manage the work. The Screen was erected in 1574 and the Screen Doors not until the year 1671.

Probably soon after Langeford's death in 1368, when the Apprenticii from Clifford's Inn, now known as the Society of the Inner Temple, came into the Temple, the lawyers began to build. Although the old Hall of the Military Knights

belonged to the Society of the Middle Temple, it is possible that at first they allowed the Apprenticij from Clifford's Inn to share it with them for taking Commons, but shortly afterwards the Society of the Inner Temple built a Hall of their own on the site of the old Refectory, and then ceased to use the old Hall of the Knights Templars.

In an old MS. in the possession of the Inner Temple known as Petyt, MS. No. 538, it is said that "a new Hall was then erected which is now the Junior Temple Hall, whereunto divers of those who before took their repast and diet in the old Hall resorted and in process of time became a distinct and divided Society." It is obvious, however, that the two Societies were distinct and divided Societies from their original settlement in the Temple.

Mr. Edward Foss, the learned antiquary and author of "The Lives of the Judges," came to the conclusion that the two Societies of the Temple were never united, but were always as distinct as if they had been placed in different quarters of the town, like Lincoln's Inn and Gray's Inn.

The first reference to the Society of the Middle Temple as such is contained in the will of John Bount of Bristol dated 24th August, 1404, in which he refers to Robert the Manciple (or Steward) of the Middle Temple, and gives him a legacy for his great kindness to him, The first reference to the

Society of the Inner Temple as such is contained in the Paston Letters, Robert Pepps to John Paston, dated 1st November, 1440. The Middle Temple is also referred to in the Black Book of Lincoln's Inn under date 1442, where a sum is allowed *pro potacione* (conviviality) between Lincoln's Inn and the Middle Temple. The fact, however, that Fortescue, who was made a Serjeant in 1429, in his "De Legibus" refers to these Societies by name and without reference to their origin, and also to the reference in John Bount's will, induces one to believe that they must have been known by their present names long prior to the fifteenth century.

Formerly all gentlemen of seniority and position were called Masters. In the Inns of Court there were Masters of the Bench and, later, Masters of the Utter Bar, that is, Senior Barristers. The Masters of the Bench originally were those Masters who were *Apprenticii de Banco*, since, as I have already mentioned, Utter Barristers did not originally exist. When the Masters of the Bench had constituted themselves Masters of the Hostels or Inns of Court, with which they were connected, students were introduced into their societies for instruction and learning—residence in the Inn and being in Commons, that is, taking their meals, dinner and supper, in Hall, were essential to every member of the Inn.

Students for the first two years kept what were

called Clerks' Commons, and the others, Masters' Commons, and they sat at table according to their seniority. After ceasing to be in Clerks' Commons, the student for the next five years or so was called a Mootman, and performed the Exercises of Mooting. At the expiration of that period they might be chosen Utter Barristers, which was a *dégré* in law, and Coke says that after that they were eligible to be chosen Readers and became Benchers, or, if they failed to read, they became Ancients and sat at the Ancients' Table. The Ancients' Table, in the year 1595, was on the north side of the Hall. The Senior Bar Mess was on the south side of the Hall. The Ancients' Table fell into disuse after public readings were abolished in 1680, but was restored by Master Powell, Treasurer, in 1876, and put in its present position in the Centre of the Hall between the first and second Bar Messes.

There were formerly Term Commons and Vacation Commons. During Term time the Moots and Exercises in Hall took place in the presence of the Benchers, but during Vacation Commons senior Barristers of the Inn presided. For three years after call to the Bar the Barristers had to attend, under penalty in case of absence, the Moots in Hall during the vacations, and they were called Vacationers.

During term when the Readers and Benchers presided at the Moots and Readings there were



four Cupboardmen appointed. Before becoming Reader every Barrister acted as Cupboardman. There were four Cupboardmen appointed for each Reader and according to seniority each Cupboardman became Reader or was passed over and became an Ancient. The Cupboardmen stood at the four corners of the Cupboard and each in turn argued the Readers' cases.

I am now standing at the ancient Cupboard, which according to tradition was presented by and has stood in this Hall since the time of Queen Elizabeth. In the early records it is called Abacus, or square table.

Stow, writing about the same time as Sir Edward Coke, says, "In the Term Time the only exercises of learning are arguing and debating cases after dinner [which was then at 2 o'clock] and mooting after supper in the same manner as in the vacations. The time between the Learning Vacations and Terms is called the Mean Vacation, during which time every day after dinner cases are argued as at other times, and after supper moots are brought in and pleaded by the Inner Barristers, in the presence of the Utter Barristers which sit there in the room of the Benchers."

Stow further says the Utter Barristers at the Moots sat uttermost on the forms of the Benchers which they call the Bar. All the rest of the Society are accounted Inner Barristers. Yet in a Moot before the Benchers two of these sitting upon

the same form with the Utter Barristers do for their Exercises recite by heart the pleading of the same Moot case in Law French ; which pleading is the Declaration of the said Moot Case at large ; the one taking the part of the Plaintiff and the other of the Defendant.

During the three weeks of each Reading prior to the Reader becoming a complete Benchers there were enormous expenses incurred by the Readers in entertaining, so that none but rich men could accept the office, and if any refused to read he was fined heavily. It cost the Reader for entertaining during the three weeks of his reading about £600 (or £2,000 to £3,000 of present value), and even the neighbouring parishes partook of his hospitality. With the result that in the year 1680 public readings were abolished, and instead of a great feast, the Reader-elect paid £200 into the Treasury of the Inn and was then a confirmed Reader, or a complete Benchers, and was entitled to a Bench Chamber for life which was worth to him about £30 per annum.

Although there were only two Readers each year, one appointed for Lent and the other for Autumn, it became the practice in the 17th century to call Barristers to the Bench with a view to their reading. A Barrister so called paid £50, part of the £200, into the Treasury, and if he paid another £150 on account of his reading money he was entitled at once to a Bench

Chamber if one fell in. So we see that it was about the year 1680 that the present constitution of the Bench of Benchers as well as Readers had its commencement. The Inn obtained a revenue from the payments of Benchers and of those who failed or refused to read, which payments were applied in rebuilding. There was no profit arising from Commons, and at this time, after the great Temple fire of 1679, the Inn was in great need of money, and the rebuilding was almost entirely carried out either with the payments made by the Benchers or by individual members.

A few words about the Fire of London of 1666, and the Great Temple Fire of 1679. The Fire of London played great havoc with the buildings of the Inner Temple. The buildings of King's Bench Walk and right up to the East side of the Church, including the Master's House, were entirely destroyed; but, excepting Lamb Building which was destroyed, the fire did not touch the Middle Temple Buildings.

But in 1679 another great fire occurred. It originated in Pump Court, next to Elias Ashmole's lodgings, and greatly damaged the latter's library and destroyed his collection of medals. Luttrell says the engines played away many barrels of beer to stop the fire, but the chief way of stopping it was by blowing up the houses with gunpowder. The fire lasted from 11 p.m. on

Sunday to 12 next day, and opened an area bounded by the Middle Temple Hall and part of Elm Court southward, the Palgrave Buildings in Old Essex Court westward, the taverns and Hare Court northwards, all which places lay in view of one another (Roger North's Autobiography).

The old cloister walks had to be rebuilt after the fire, and it was suggested by the Benchers of the Middle Temple that they should be improved into Chambers, and it was left to Mr. Attorney Finch to decide. He reprov'd the Middle Temple Benchers, referring to the subject of students walking in the evening there and putting cases in his time, and complained however low and mean the buildings were then, that such "a benefit to students is now made so little account of." He decided on rebuilding the cloisters as they now stand. The original award, signed by Sir Heneage Finch, is in the possession of our Inn.

Now to understand the constitution and objects of the Inns of Court we must again revert to the Ordinance of 20 Edward I, 1292. The *Apprenticii de Banco* were to follow the King's Court and to serve the public interest. The King's Court was used in the largest sense, and the Inns of Court were intended primarily for the association and education of lawyers, but in a second sense as a place to educate the nobility and gentry for the highest positions in the State. It is so stated in

the Orders made 15th April, 1630, by the Lord Keeper and Judges by the King's Command signified by the Privy Council for the Government of the Inns of Court and Chancery. This explains the mode of keeping Grand Christmas in ancient times. It was a mimic Court to teach demeanour to the nobility and gentry. It was a very serious business, and the holding of the Offices attached, in succession, was a stepping-stone to being ultimately chosen Reader and a Master of the Bench.

Gerard Leigh's account of keeping Grand Christmas, 4th Elizabeth, 1561, will be found in Master Worsley's Book (p. 285), and Dugdale in the *Origines Juridiciales* gives the names of the great officers on that occasion (*v.* p. 289 of Master Worsley's Book), among whom were Lord Robert Dudley (afterwards Earl of Leicester) and Christopher Hatton, and many others, who subsequently became very eminent in the profession. The appointment to these Offices was by the Benchers in Parliament during Michaelmas Term, and on reference to the printed Records, it will be found that the most important office was that of Steward for Christmas; and the following in their order were next in importance: Marshal, Butler, Constable of the Tower, and Master of the Revels.

Owing to the gross excesses and extravagances connected with these entertainments and the uproar occasioned, the Inn, for the time being,

being given over to the entertainers, Orders were made from time to time during the reign of Elizabeth forbidding the keeping of Grand Christmas, and that the feast shall be celebrated solemnly, except that a reasonable allowance for minstrels was made by the Inn. There is an Order of the 11th February, 15 Elizabeth, that the minstrels serving the Inn shall have a yearly wage of 26s. 8d., besides their salary at Revels, to be paid at Lady-day and Michaelmas. During the reigns of James I and Charles I there was a revival of the practice of keeping Grand Christmas, and the excesses were worse than during the Tudor period.

The following account of the Grand Christmas at the Middle Temple in 1635 is given in a letter from the Rev. G. Garrard to Thomas, Earl of Strafford, dated 8th January, 1635 (Strafford's Letters): "The Middle Temple House have set up a Prince, who carries himself in great state, one M<sup>r</sup> Vivian, a Cornish Gentleman, whose Father Sir Francis Vivian was fined in the Star Chamber about a Castle he held in Cornwall, about three years since. He hath all his great officers attending him, lord keeper, lord treasurer, eight white staves at the least, captain of his pensioners, captain of his guard, two chaplains who on Sunday last preached before him, and in the pulpit made three low legs to his excellency before they began, which is much laughed at.

My lord chamberlain lent him two fair cloths of state, one hung up in the hall, under which he dines, the other in his privy chamber ; he is served on the knee, and all that come to see him kiss his hand on their knee. My lord of Salisbury hath sent his pole-axes for his pensioners. He sent to my lord of Holland his justice in eyre for venison, which he willingly sent him ; to the lord mayor and sheriffs of London for coine ; all obey. Twelfth day was a great day ; going to the chapel many petitions were delivered to him, which he gave to his masters of the requests. He hath a favourite whom, with some others of great quality, he knighted on his return from church and dined in great state. . . . It cost this prince 2000*l.* out of his own purse ; I hear of no other design, but all this is done to make him fit to give the prince elector a royal entertainment, with masks, dancings, and some other exercises of wit in orations or arraignments that day that they invite him."

From this account it is seen that the original object of keeping Grand Christmas was lost sight of, and it had become a mere entertainment. The last reference in our Records to keeping Grand Christmas is an Order of the 26th November, 1669, when the Minute is worded "No Grand Christmas shall be kept nor gaming suffered in the Hall."

There was once a very old ceremony during Grand Christmas, and on other important occasions

when the Judges attended in Hall, of dancing or walking the old measures round the coal fire which was in the centre of the Hall. In 1634 when Sir Robert Brerewood wrote his history of the Middle Temple, the measures were walked, but in early times they were elegantly danced. Sir Robert deploras that the Inns of Court men had fallen away from the good old custom of dancing, and says in former times it would have been a shame for the students of the Inn to be unable to dance. This ceremony was kept up later in the Inner Temple. The last occasion there was in 1733 when Lord Talbot took leave of that Society on receiving the Great Seal. The Lord Chancellor, Master of the Temple, Judges and Benchers, led by the Master of the Revels, danced or walked round about the coal fire, according to the old ceremony, three times, during which time they were aided in the figure of the dance by Mr. George Cooke the Prothonotary, then of 60 years of age, and all the time of the dance, the ancient song, accompanied by music, was sung by one Toby Aston, dressed in a bar-gown (Roger North's Discourses, Note p. 68, 1824 ed.). What was the ancient song I know not. The fire-place in the centre of our Hall was removed in February, 1830. The Hall was then lighted with oil lamps and continued so to be until 1864.

In addition to the revels at Christmas time, and



the Reader's entertainments twice a year which lasted three weeks on each occasion, the members of the Society were very fond of stage plays and masques, which were frequently performed in the presence of royalty. One of the most noteworthy was "Twelfth Night" performed in this Hall at the Reader's Feast on Candlemas Day, 2nd February, 1602. At Shrovetide, 23rd February, 1635, Sir William Davenant's Masque "The Triumphs of the Prince d'Amour" was produced with great splendour in this Hall in the presence of the Queen, the Prince Elector and many ladies of the Court.

But I regret to say that these amusements during the two early Stewart Kings gave rise to much insubordination among the students of the Inn, and the Records contain many entries of Orders of the Bench suppressing breaches of discipline. These occur for the most part in attempts to keep the Hall open for continuing Commons during vacation time, especially at Christmas time, against the Orders of the Bench, and the wearing of hats, boots and spurs in the Church and Hall and carrying swords and daggers. Such breaches of discipline, however, show rather the trend of social conditions under the Stuarts.

The surroundings of the Temple were very different then from what they are at the present time. The home of the lawyers appears to have been

surrounded by dens of thieves and outcasts of society. White Friars, Salisbury Court, Ram Alley, Mitre Court, Fuller's Rents, Baldwin's Gardens, and the Savoy were "pretended privileged places" or sanctuaries, and continued so to be until the year 1697, when they were suppressed.

The Alsatia Riot is interesting. Macaulay gives a short account of it in his *History of England*. He says: "Bounded on the west by the great school of English jurisprudence, and on the east by the great mart of English trade, stood this labyrinth of squalid, tottering houses, close packed, every one, from cellar to cockloft, with outcasts whose life was one long war with society." The Benchers of the Inner Temple could bear the scandal no longer, and Luttrell (vol. ii, p. 260) gives the following account of what took place. The Benchers gave orders "for breaking up their little gate leading into Whitefryers, and their workmen being at work thereon, the Alsatians came and pull'd it down as they built it up; whereupon the sherifs were desired to keep the peace, and accordingly came the 4th with their officers; but the Alsatians fell upon them, and knockt several of them down, and shott many guns amongst them, wounded several, two of which are since dead; . . . The fray lasted several hours, but at last the Alsatians were reduced by the help of a body of the King's guards; divers of the Alsatians were seized and sent to prison."

The two Temples have always been very jealous in maintaining their own special jurisdiction, which they inherit from the Knights Templars, against Civic interference. The most noteworthy instance of this arose in the year 1669 when the Lord Mayor of London was invited to the Reader's Feast. Pepys gives the following account of what he heard of the visit (Pepys's Diary, 3rd March 1669): "My Lord Mayor being invited this day to dinner at the Reader's [Feast] at the [Inner] Temple, and endeavouring to carry his sword up, the students did pull it down, and forced him to go and stay all the day in a private Councillor's chamber until the Reader himself could get the young gentlemen to dinner, and then my Lord Mayor did retreat out of the Temple by stealth, with his sword up. This do make great heat among the students; and my Lord Mayor did send to the King, and also I hear that Sir Richard Browne did cause the drums to beat for the Train-bands; but all is over, only I hear that the students do resolve to try the Charter of the City. So went home and betimes to bed, and slept well all night."

However, since then the most friendly relations have existed between this Society and the City Corporation. For instance, in the year 1768, when Christian VII, King of Denmark, was to be entertained at the Mansion House, the following appears in our Records.

“Memorandum: That His Majesty Christian the Seventh King of Denmark (Brother in Law to our present Sovereign King George the Third) arrived in England on the 11<sup>th</sup> day of August 1768 and resided at S<sup>t</sup> James’ Palace.

“His Majesty having accepted an Invitation from the City of London to dine at their Mansion House was pleased to appoint the 23<sup>rd</sup> day of September 1768 for that purpose: On which day the Lord Mayor and Aldermen (attended by the several Companies) received Him, his Nobles and Attendants into their Barge, at the Stairs leading into New Palace Yard; and after Rowing for some Time upon the Thames in great pomp, and shewing Him the several Bridges and Buildings landed at the Temple (previous Consent having been thereto given) where they were met and received by several Masters of the Bench of the Middle Temple in full Dress, without Gowns or Bands, (accompanied by several Masters of the Bench of the Inner Temple, whom They had invited to be present on that Occasion).

“The Senior Master of the Middle Temple (in the Absence of the Treasurer) addressed His Majesty for the Honor of his presence in their Hall, and having obtained his Consent (which He expressed in French) His Majesty and Company were conducted thither accordingly; where a Collation (consisting of Fruit Gellies Confectionary and a variety of Wines &c.) was provided. After

staying in the Hall about the Space of Half an Hour, and refreshing themselves there : they were conducted by the said Masters to the Lord Mayors Coach which (with those of the Aldermen and Sheriffs) waited in the Middle Temple Lane at the two Obelisks ; when His Majesty, turning back and addressing Himself (in French as before) to the Senior Master, was pleased in the most obliging manner to return thanks for the Civilities which He had received.

“Note.—His Majesty and his Suit walked from the Water Side to the Back Stairs of the Hall near to the Library, and afterwards from the Front Door of the Hall to the two Obelisks (where the Coaches waited for him) on a platform matted and covered with an awning which platform and awning were furnished at the expense of the City, and executed by their workmen.

“Proper Persons were provided by the Society as a guard to prevent any crowd at the several Gates and within the Temple, and from them received a proper Gratuity for their Care and Trouble.

“Note.—It had rained exceedingly hard all the Afternoon and Night preceding the 23<sup>rd</sup> of September but about Ten of the Clock in the morning of that Day the Weather became and continued remarkably fair till the Evening.”

Again, on Lord Mayor's day in the year 1796 the Lord Mayor and Aldermen were received by the

Treasurer and Masters of the Bench on their way from Westminster to the Guildhall, as appearing in the following minute :

“Several Masters of the Bench, the Treasurer being out of Town, attended at the Parliament Chamber in their Gowns and having directed their chief Porter to conduct his Lordship, the late Lord Mayor, Aldermen, Sheriffs, Recorder, Common Serjeant, City Counsel, and City Officers from the landing place to the foot of the Stairs, next to the door in Garden Court, they were there met by their Masterships and conducted from thence into the Hall to the High Table which was spread with Refreshments on the occasion.

“The Lord Mayor directed the City Remembrancer to express to the Masters of the Bench then present the sense which his Lordship and the City of London entertained of the attention which had been shewn to them by this Society in accommodating them with the use of the Hall.

“The Lord Mayor, &c. having partaken of the Refreshments which were prepared were conducted by the Masters to the Hall Door their carriages waiting for them in the Middle Temple Lane near the Hall Steps.

“The Lord Mayor’s attendants, Marshall’s men &c. were entertained by the Butler in the Buttery.”

It was also a common occurrence for the Masters of the Bench to give permission for the footmen

and horses of the Lord Mayor to be stationed in the Middle Temple Lane on occasions of civic processions and ceremonies.

It would be impossible for me to say much concerning the eminent men who have been members of the Middle Temple.

In the time of Queen Elizabeth there were three eminent Judges, members of this Inn about the same time, Sir Robert Catlin, C.J. of Queen's Bench ; Sir James Dyer, C.J. of Common Pleas, and Sir Edward Saunders, C.B. of Exchequer. Brerewood says, "These Judges for their wisdom, integrity, gravity, and worth, have left behind them (as a matter of merit to posterity) an everlasting fame, which neither time, nor envy, shall ever abbreviate or bury in oblivion."

Also Sir Anthony Browne, C.J. of Common Pleas, 1558, whom Plowden calls a Judge of profound learning and great eloquence.

Then we have at the same period the great Edmund Plowden "*in juris Anglicani scientiâ facile princeps*," who was Treasurer for six consecutive years, 1561-1566.

The bust of Edmund Plowden of Carrara marble which you see at the end of the Hall was by the sculptor Morton Edwards, taken principally from the original terra-cotta bust executed after death, and was presented to the Inn by Robert W. H. Ingram, a member and bencher elect who

died before coming up. He also presented to the Inn the beautiful bust of King Edward, then Prince of Wales, which stands here at my back.

Sir John Popham, C.J. of Queen's Bench in 1592, a descendant of whom I see here in Hall to-night.

Sir John Dodridge, J. of King's Bench, 1612, and a great law writer.

Sir Thomas Malett, J. of King's Bench, 1641, who suffered much for his loyalty to the King, was violently seized by Cromwell's Horse while presiding in Court, and committed to the Tower, where he remained two years.

Sir Robert Brerewood, J. of King's Bench, 1644, who also was a loyalist and resigned his position. He was the author of the MS. of the Middle Temple, now in the possession of our Inn, to which I have referred to-night.

Then there were the great Cromwellian Keepers of the Great Seal, John Lisle, Bulstrode Whitelock and Lord Fines.

At the Restoration, we have Edward Hyde first Earl of Clarendon, Lord Chancellor, 1660, His daughter married James II, and was the mother of two Queens—Queen Mary and Queen Anne.

Francis North, 1st Baron Guilford, Lord Keeper, 1682-5. Evelyn speaks highly of him as a most learned man of a sweet disposition, very



skilful in music, painting, the new philosophy and politer studies.

Sir George Treby, C.J. of Common Pleas, 1692, and Commissioner of the Great Seal, 1700.

Sir Edmund Saunders, C.J. of King's Bench, 1683, who was a great favourite with the students of the law. It is said, "For hours and half hours together before the Court sat he would stand at the Bar with an audience of students putting of cases and debating as suited their capacity and encouraged their industry." His reports extend from 1666—1672.

John, Lord Somers, Lord Chancellor 1697, who held the great seal for seven years with the most unimpeachable integrity and administered justice with inflexible impartiality (Foss).

Peter, Lord King, Lord Chancellor 1725, was called to the Bar at this Inn.

Sir Philip Yorke (Lord Hardwicke), Lord Chancellor 1737—1756.

Lord Eldon, Lord Chancellor from 1801-1827; and his still more learned brother Lord Stowell, J. of the High Court of Admiralty, 1798.

Then there was Sir John Leach, Vice-Chancellor 1818, who was of this Inn. You may remember the lines referred to by Lord Campbell in his "Lives of the Chancellors," as a full record of what had taken place in Court made by Mr. George Rose for the authorised reporter during his temporary absence:—

“ Mr. Leach made a speech,  
Pithy, clear, and strong ;  
Mr. Hart, on the other part,  
Was prosy, dull and long.  
Mr. Parker made that darker  
Which was dark enough without ;  
Mr. Bell, spoke so well,  
That the Chancellor said ‘ I doubt.’ ”

I must also mention Robert Gifford, Master of the Rolls 1824, whom Lord Tenterden considered would be the fittest man to succeed Lord Eldon as Chancellor, but it was not to be. The Coleridge family must not be forgotten. Sir John Taylor Coleridge was made a Judge of the King's Bench in 1835, his son John Duke Coleridge (afterwards first Baron Coleridge) was Lord Chief Justice of England from 1880 to 1894, and his son the present Lord Coleridge is now a Judge of the High Court. Nor must we forget Sir Robert Phillimore, Judge of the Admiralty Court 1867, who is now represented on the Bench by his son Sir Walter Phillimore, Judge of the High Court.

Also in our own time we had as members the two great Chancellors, Lord Westbury and Earl Cairns ; Sir John Jervis, Chief Justice of the Common Pleas, 1850, the Lord Chief Justice Cockburn ; and Mr. Justice Hayes. Also the two eminent Masters of the Rolls, the late Lord Collins and Lord Lindley, the latter of whom is still with us.

But I must not forget to mention another great lawyer, Sir William Blackstone, who was a Bencher

of this Inn and who by his learned Commentaries on the Laws of England, published between 1765-8, did more for the revival of legal study than any lawyer since Christopher St. Germain, the author of "Doctor and Student," temp. Henry VII, who notwithstanding statements to the contrary appears by our Records to have been also a member of this Inn and not of the Inner Temple.

I have left the most exalted name for the last. I refer to our late lamented and much beloved King Edward VII, whose death two years ago to-day we have not forgotten. He was made a Bencher of this Inn in the year 1861, and afterwards in the year 1886 served the office of Treasurer. During his year of office he dined twice in Hall, and also on several other occasions.

I must now conclude. I believe Master Blake Odgers will deliver another lecture next term which will enlighten you further as to many other illustrious men who have been members of this Inn.

We all unite in :—*Domus vivat, crescat, floreat!*

## IV

### LINCOLN'S INN

*A lecture delivered in Middle Temple Hall  
on Monday, June 10th, 1912, by*

J. DOUGLAS WALKER, K.C.

#### FOREWORD.

I THANK you for the great compliment you pay to me when you invite me to lecture to you on the Black Books of Lincoln's Inn, which Mr. Paley Baildon, a member of my Inn, has so carefully prepared for publication, and in my personal capacity as a member of Lincoln's Inn I welcome a return to the early comity of our two Inns ; for you are aware that the friendship between this Inn and Lincoln's Inn is recorded in our Black Book so far back as 1422, when a *potatio* was held by us with your Inn. Again, we joined in presenting a masque to Charles II at the festivities on the

marriage of "the Lady Elizabeth, Her Grace, with the Count Palatine of the Rhine." Our last meeting was in 1696, when "a computation between Lincoln's Inn and the Brethren of the Middle Temple was given as formerly." Lastly, I have this evening joined in the latest *computatio*, and we are to finish the evening, after the good custom when lawyers meet, by reviving recollections of our fathers in the Law.

The foundations of my lecture are the Black Books of Lincoln's Inn, a record covering all the meetings of the Bench and some incidents in the history of the Society (such as the death of Henry VIII, and the coronation of Edward VI, and the Feast of Serjeants) from the year 1422 to the present time, but twelve years short of five centuries. The subject of my address had to be limited to the time at the disposal of my hearers, and I determined to give an account of Lincoln's Inn itself, and to follow this up by recalling the traces that religion and politics have left in the Black Books of the Society down to the accession of Charles II.

Finally, I shall read you a passage from the Black Books, Vol. I, p. 278 and following pages, giving a contemporaneous and unique account of the making of Serjeants in the first year of Edward VI.

## CHAPTER I

## HOSPICIUM DE LINCOLN'S INN

The site of the present Lincoln's Inn (dismissing for the present New Square, which, starting under the name of Fickett's Field, is the creature of agreements and Acts of Parliament dating from 1682) was granted to Ralph Neville, the Bishop of Chichester, in 1227, who built thereon a "nobilis palatio." This was the town house of the succeeding Bishops of Chichester, and occupied by them up to 1412, or perhaps the year 1422, when it was occupied by the Society of Lincoln's Inn. Since that date it has continued in the occupation of Lincoln's Inn until the present time. The minutes in the Black Books disclose as existing in 1422 a Society bearing the corporate name of Societas de Lincoln's Inn with a formed and well-established constitution, which both rulers and the rest of the Society swore to observe and obey; its rulers following one another in an organised sequence with authority over the members and discipline of the Society, and enforcing their decisions by suspension and expulsion; admission by a settled form based on suretyship and a settled system of education, of call to the Bar and of invitation to the membership of the governing body; and the reader becomes conscious that a constitution so

based on custom and perfected in detail must have been the growth of many years.

Further, the lordship of Lincoln's Inn over its two Inns of Chancery, Thavie's Inn and Furnival's Inn, is disclosed in the first volume of the Black Books. The nature of the entries in these books makes it certain that, if the lordship had been created after 1422, the creation would have been entered in the Black Books, as were the other contemporaneous dealings with the two Inns. Who then before 1422, if the Society was born in 1422, was in the relation to Thavie's inn and Furnival's Inn that Lincoln's Inn was after 1422? The answer to this question is fairly stated by Mr. Paley Baildon in his excellent note on the site of Lincoln's Inn (Black Books, Vol. IV, p. 261), showing that the Society of Lincoln's Inn before 1348 occupied the house afterwards called Thavie's Inn and passed, after occupying Furnival's Inn before 1422, to Lincoln's Inn.

Let us now turn to the will of John Thavie, which is generally construed as implying that apprentices of the law lived at his house at some time previously to his death in 1348. His will does not call the house Thavie's Inn, and it is not until long after his death that the house is described as Thavie's Inn. This house stood on the slope of Holborn Hill near to the Church of St. Andrew, Holborn, and close to an entrance into Shoe Lane, in which lane lay the Manor

House of Holborn, the residence of Lacy Earl of Lincoln from 1286 to his death in 1310.

Dugdale attempts to connect the name of Lincoln with that of the Earl by reporting a rumour current among the ancients of Lincoln's Inn that the Earl of Lincoln, being a person affected to the knowledge of the Laws, brought the professors of that study to settle "here," *i.e.* in Lincoln's Inn.

The present Lincoln's Inn as above defined had become known, from as early as 1226 down to 1422, as the seat of the Bishops of Chichester, therefore this tradition could not have originated in connection with the Lincoln's Inn of my Society, though it may well be a rumour about another Lincoln's Inn, if any such can be shown to have existed. The "New English Dictionary," Title "Inn," has a valuable comment which runs as follows:—"It has been sometimes assumed that the term Inn meant originally the town house or residences of such a nobleman or gentleman: but there is no evidence that *inn* ever had any such specific sense (as distinct from its general sense of habitation, lodging, house) and no proof that any of these houses bore the name of *hospitium* or inn, until it was actually the *hospitium* or hostel of a body of students." As above stated the house in which Lord Lincoln lived was known and described as the Manor House of Holborn. According to the above quotation, the name of Lincoln's Inn



would have been well founded, if the apprentices of the law living in the house of Thavie had been brought to settle there by the Earl, and had taken the name of Lincoln's Inn in honour of the great Earl. Then, it might be expected that (as happened in the case of Clifford's Inn) the Society, if and when it migrated, would carry the old name with it, and on its settling in Furnival's Inn would continue to call itself Lincoln's Inn. On this hypothesis, which I venture to agree with Mr. Paley Baildon to be probable, it becomes intelligible how, when the Society came into occupation of the Bishop's palace, it called its new abode by the precise and accurate description of the Inn of Lincoln's Inn, which is the actual description at the head of the first Black Book. Nothing in this hypothesis conflicts with Mr. Inderwick's suggestion in the Inner Temple Records that a swarm emigrated from Thavie's Inn to the Temple in 1348.

Mr. Paley Baildon has discovered that there was an enormous increase in the work of the Law Courts in 1340, and suggests that this induced the migration from Thavie's Inn to the Temple on which Mr. Inderwick relies. It is certain that the emigrating swarm for reasons conclusive with them adopted a name from the new site; and it well may have been that the swarm did not consist of the seniors of the Society, but rather of a minority of the juniors who would not have been entitled to

carry the old quasi corporate name with them. Hence in my opinion Mr. Paley Baildon justifies his belief that the Lincoln's Inn Society is identical with the body of apprentices inhabiting Thavie's Inn. He fixes the time of migration as connected with a further increase of the work of the Law Courts in 1380 and connects the Society with that mentioned by Dugdale as in occupation of Furnival's Inn in 1407-8.

From the early entries in the Black Books of 1422 and the following years it appears that the Society was made up of *Socii*, i.e. Fellows of the Fellowship. At the head stood the masters of the Bench with an executive, yearly appointed by the "magistri" or masters, who ranked in the following order:—(1) The four Governors or Rulers, who disappear in 1574, (2) the Reader, (3) the Dean of Chapel, (4) the Treasurer, (5) the Keeper of the Black Books, (6) the Marshall, (7) the Pensioner, (8) the Butler for Christmas, (9) the Steward for Christmas, (10) the Master of the Revels, (11) the Escheator.

The last four officers appear to have been chosen from below the Bar and to have had functions in the Christmas festivities.

The Governors on their appointment took an oath that they would cause a "bonum Regimen" to be observed during their term of office: and every person, on admittance as Fellow, or Clerk, took an oath of obedience to the Governors. In

my judgment, this body of officers, each with a defined sphere of duties, must have been created as and when necessity suggested, and goes far to prove that the Society had its origin long before 1422.

Next to the Benchers came the utter Barristers, who had been called to the Bar and were defined in a very interesting report of the time of Henry VIII on the state of the Inns of Court in "Fortescutus Illustratus" by Waterhouse as "those who did sit outermost on the formes which are called the Bar," and described by the 15 Elizabeth, cap. 1. "as having taken a degree of learning in the Laws of this Realm." Next came the Clerks, who were proposed for admission by a Bencher, Serjeant-at-Law, or Judge, who had been a Member of the Inn. A fine was payable on admission, and the candidate was personally presented at the Board's end (*i.e.* at the end of the Bench table) in the Hall to the intent that the Benchers might "substantially inquire of his demeanour and conversation," and then admitted as a Fellow of the Society and boarded at the Clerks' Commons. These Clerks must not be confused with the Clerks of the Benchers and utter Barristers, who also dined in Hall and did some personal services. It seems to me possible that in early times the Clerks were all of the same standing and stood in the relation of apprentices, or of fags in a Public School of a hundred years ago.

The chief servants were the Butler and the Steward. One John Botiller, whose name is not spelt alike twice running, was admitted to the Society at the special instance of John Sulyard, one of the Governors, because he had borne himself faithfully in the office of Butler, and rose in 1510 to be a Justice of the King's Bench.

Among the servants of the Inn appear a Fool, Lobbe le Follet, and a harper, Robert the Minstrel.

## CHAPTER II

### BOUNDARIES OF THE BISHOP'S ESTATE.

IN 1422 the Bishop's property was separated from "Chancellor's" or "Chancery" Lane by a ditch and a mud wall thatched with reeds; at one point, a gate near the present Gate House gave access to the Lane. A similar boundary marked the north and west sides of the property, and the latter was pierced in the north end by an opening to the space now known as Lincoln's Inn Fields. The west ditch and wall ran along the line of the present wall and across the present gateway to Lincoln's Inn Fields and over the site of No. 11 and 11A New Square, till abreast of a point now marked by a white stone and inscription on the east wall of No. 11 New Square. On the south

side, a wall ran eastward from the point just mentioned along the line of the south front of No. 13 New Square, and continued south of the front of Old Buildings to Chancery Lane. At the eastern end of the line was at one time a palisado and ditch some 16 feet to the south of the line of buildings. A postern gate just opposite to 13 New Square gave access to Fickett's Field, now in part New Square Buildings.

### THE BUILDINGS OF LINCOLN'S INN.

The Bishop's Hall, the present old Hall, which was in existence when the Society purchased the property, seems to have been rebuilt in whole or in part about 1489-91, and the description that follows is gathered from details casually given in the Black Books between the close of the sixteenth century and the end of the Protectorate.

At the north end was a raised platform on which stood the Bench table. Below, were two tables allotted to the Bar: one, the Ancient Syde table, was the table where the mess of Ancient Barristers sat. To this mess had been presented a silver cup and salt which were kept with the Benchers' plate. This table stood parallel to the Benchers' table and at right-angles to the other Bar table which extended along one side of the Hall towards the then Buttery door. There was also a square table near the Bench which the second butler knocked with a mallet and thereby warned all gentlemen to

attend with silence on pain of expulsion the grace before and after dinner.

The students' table was on the side of the Hall opposite to the Bar tables and in the south-west recess was the table for the Clerks of the Benchers and eight of the Ancient Barristers. The rest of the Clerks sat at the table of the Valetti at the lower end of the Hall. The Reader delivered his lectures at the Ancient Syde table and the Barristers presiding at the exercises sat at the Bench end of the Bar table.

The Hall was lit by six candle plates, a great candlestick, and one or two candelabra hung by hooks and lines. There was certainly a fire, probably in the centre of the Hall, and the only fire to which the majority of students had access.

Breakfast was provided in 1609 on only four days in the week. It consisted of bread and beer and was taken in the Hall until 1636. The Benchers and Associates apparently provided their own beer pots. In 1881 a number of these pots were discovered in a pit lined with chalk blocks ; some of these are now to be seen in the cabinet in the corridor to the present Hall. Grace was not said officially before or after breakfast.

To dinner and supper the Fellows of the Society were summoned by the blowing of a horn. Each meal was prefaced and concluded by a grace said by the Chaplain. Any Bencher coming into dinner after 1 p.m. was fined. Each mess con-

sisted of four Members. Bread was not laid on the table until the first mess of meat was brought on the Bench table, "with the intent of avoiding waste." In 1613 the Clerks had trenchers allowed them in Hall and were "not to make trenchers of bread." The food of ordinary dinners consisted in Lent of fish, and on other occasions of loins of mutton, and of beef. The Society allowed the steward for each loin, in 1604, 12*d.* and in 1641, 16*d.* throughout the year: the price of beef during 1641 was 2*s.* a stone all the year. In 1621 the charge on the House for sack and other wine at the Bench table was considered too high and "abolished" until further order. At supper the Chaplain said grace. The diet was bread and beer, the hour probably 6.30 p.m. During this period the Barristers' Clerks and Benchers' Clerks were allotted rooms outside the Hall. The numbers in Commons in 1605 and 1646 were 140.

The proper wear within the Inn was cap and gown, but the fashion was to wear hats, cloaks or coats, swords, rapiers, boots and spurs, large ruffs, and long hair. Even Benchers were found to sit in Term Time with hats on! The Bench dealt with these eccentricities by fines and censure.

The Hall was the Stage for the display of all sides of the life of the Society except public worship. In it the Reader gives his readings, moots and bolts are performed. In it the Reader

feasts his guests, and the Treasurer and Pensioner hold their suppers. It is the scene in 1635 of a furious outbreak against the authority of the Bench, which results in several Fellows being laid by the heels. Here, on one of the "hunting" nights, there is such disorder "as the most ancient in this house have not known nor heard the like of in ancient time." Here Colt at dinner struck the steward with a cudgel or bastinado over the head to the effusion of blood: John Baber and John Webb struck and stabbed each other, and the two Skipworths threw, the one a dish of butter and the other a pot, at the head of the steward. Thrice was the butler assaulted to the drawing of blood with sword or dagger. Here until 1629 the Fellows dined and played cards on Saturday nights; and this was the scene of the Christmas plays, the Candlemas dancing, the dinners to judges and all the revelry of the Inn. Here too in 1641 sat His Majesty's Solicitor-General, Mr. Oliver St. John, a Bencher of the Inn, in company with four others, by virtue of a Commission under the Great Seal to tender and administer to all Irish students and other suspected persons the oaths of allegiance and supremacy. King Charles II was present at the revels and masque held in this Hall on January 3rd, 1661-2, and those held on January 28th, 1670-1. Under the date of 29th February, 1672, in the Black Books is described the King's reception and entertainment, still commemorated by the



coats of arms of the Duke of York, Prince Rupert and other distinguished guests which hang on the walls of this Hall. Within the last year there has been revealed in the west wall of the Hall the relics of an ancient doorway, perhaps coeval with the Hall, and hitherto unknown to exist. There were also on the estate, when taken over, two Bishops' chapels of St. Michael and St. Mary and several two-storied living houses, built of plaster or "daub," of which two bore the names of Horsemill and the Dovehouse. The latter house appears to have been reserved in early times for the Irish students.

#### OLD LIBRARY.

A Library was in existence in 1475, at which date a payment of 30s. is recorded. In 1505 John Nethersole left 40 marks that the Society might build a Library in the Inn. His wish was carried out in 1508-9.

#### GATE HOUSE.

The Gate House opening into Chancery Lane was begun in 1517-8 and finished in 1520-21. The building of it is attributed to Sir Thomas Lovell, but the records only credit him with considerable contributions and state that William Sulyard, a Barrister of the Inn, was entrusted with the erection. Sir Thomas Lovell was long a valued Fellow of the Society: admitted in 1464, he served every office in succession. In 1485, he fought at Bosworth

in August, was elected a Governor by the Society in November, and before the end of the year the King had made him Chancellor of the Exchequer for life, the Borough of Northampton had returned him to Parliament, and the House of Commons had elected him Speaker.

There are but three other such gate houses in London, at St. James's Palace, Lambeth Palace, and St. John's, Clerkenwell.<sup>1</sup> The guard room still exists on the south side.

#### OLD BUILDINGS.

The Old Buildings, extending from the south side of the old Gate House to the corner of New Square, are the surviving examples of a rebuilding which began by the building of a "Bevy of new Chambers" at the back side of the Hall by the Kitchen in 1524. The internal arrangements of a set appears from an inventory of a Bencher's set in 1605. It comprised two "studies" and an inner chamber shut off from the other two by wainscot partitions, forming a central antechamber into which the three rooms opened. Each of these rooms had a window on the outer side, and windows in the partitions gave a through light to the outer chamber, in which was a wainscot bed with a curtain.

Mr. John Thurloe, one of the Council of State

<sup>1</sup> See an article by Mr. W. Paley Baildon reprinted from the "Home and Counties Magazine."

under Oliver Cromwell, occupied the ground floor of No. 24 Old Buildings from 1647-59. He then moved to 13 Old Buildings, which he left in 1661, and never afterwards resided in the Inn. There is no evidence connecting him with hiding the State Papers said to have been discovered in a false ceiling of No. 13 during the reign of William III.

### THE CHAPEL.

In 1609 the Bench first resolved that a fair, large Chapel should be built. After much borrowing of friends and imposing of taxation on members, Mr. Inigo Jones, in consultation with Sir Christopher Wren, bought Oxford freestone recommended by Mr. Otho Nicholson, of Carfax Conduit fame, with other materials all specified in the Text and Appendix,<sup>1</sup> and built a Chapel which was consecrated on May 23rd, 1623, by the Bishop of London, when Mr. Donne (late Preacher to the Inn) preached a much admired sermon. At the consecration the crush of people was so great that two or three persons were taken up, for dead. The Chapel was restored and altered by Wyatt in 1797, and restored and lengthened by Salter, under the superintendence of the late Lord Grimthorpe, in 1882-3. The six original windows were by members of the Van Linge family, who also supplied a fine east window to Wadham College Chapel, another to Christchurch, one to Queen's

<sup>1</sup> Black Books, vol. 2.

College Chapel, and several to University College Chapel. Below each light are the names and arms of the donor. These windows are not mentioned in the Black Books.

Other windows contain the arms of the Readers and Treasurers of the Society since 1590.

### GARDENS.

During the occupation by the Bishop of Chichester the northern part of his holding between Chancery Lane and Lincoln's Inn Fields was taken up by, on the west, a coneygarth, and on the east a garden. From 1506 the garth and garden supplied clay for thousands of bricks for the building of the Inn and the rabbits disappeared. Walks were laid out, trees were planted, and the present terrace walk was made in 1584. By 1629 the gardens had become a favourite resort of the public, for in this year a Royal Messenger holding a warrant to arrest a man unconnected with the Inn, searched Lincoln's Inn Gardens, in his ordinary course, and there found his man. The remarkable sequel is thus detailed by Sir Robert Heath, A.G., in his letter to Charles I. when the matter was taken up by the Crown. "The Messenger out of respect for the place forbore to attach him. Notwithstanding, when the Messenger was quietly gone into the street, about thirty gentlemen (*i.e.*, of the Inn) fetched him into the House, violently pumpt him, shaved him, and

disgracefully used him." His Majesty (reported Mr. Secretary Coke to Lord Chief Justice Hyde) required a careful prosecution by the Attorney-General, the Solicitor-General, and the Recorder of London in the Star Chamber. The outcome is unknown.

### HALL AND LIBRARY.

The new Hall and Library were designed by Philip Hardwick in the Collegiate style of the close of the sixteenth century before the admixture of Italian architecture. An account of the opening of these buildings in 1845 by the late Queen Victoria and Prince Albert appears in the last pages of Vol. IV of this series. Subsequently, in 1852, the late G. F. Watts, O.M., R.A., decorated the inner side of the north wall of the new Hall with a painting in fresco, called by him, "Justice, the Hemicycle of Law Givers."

## CHAPTER III

### RELIGION AND POLITICS.

IT is interesting to note the changes made in the vessels and decorations of the Chapel from time to time, in order that they should be in harmony with the views of the reigning Monarch. The accession of Edward VI, 1547, is marked by

the purchase of a Bible, homilies, a table called the Communion Table, and a new Book of Common Prayer. In the first year of Mary's reign, 1553, appeared two great breviaries, a missal, canopy for the pyx, a pyx, and a holy-water stock. William Rastell, a Bencher, gave a great picture of the taking down of Christ from the Cross, and the priest, in return, was to say a collect for the soul of Rastell's wife, Winifred. A marginal note appears to this last entry, "Cancelled propter stolidam abhominacionem and superstitionem, 23 Elizabeth." Then follow purchases of breviaries and pictures of the Blessed Mary and St. Richard. In 1558, the first year of Elizabeth, books were provided to serve the chaplain, the altar was taken down, and a book of Communion bought. In 1571 a certain great altar stone "which was in the Chapel" was sold for 5s., and a Communion Cup bought for £7 15s. 9d. The Book of Common Prayer now in the Library was bought for £8 11s. 0d. and a silver-gilt chalice called a Communion Cup for £7 15s. 9d. Two books of homilies were added and Books of Common Prayer.

In the year 1568 the Lords of the Council wrote to the Bench that certain Fellows of Lincoln's Inn had misused themselves, partly in not going to Church at the accustomed time, and partly in not receiving the Blessed Communion at times convenient, but contrariwise using other rites and

ceremonies by the laws forbidden. The Lords ordered that these persons should be immediately excluded from Commons, and forbear to give any counsel in or to any subject, and cease to practise, until the Lord Bishop of London should testify their reconciliation. Three years later the Bench appointed as chaplain a Mr. Clarke, whom Strype describes "as Puritan, for the new discipline, and against the Bishops." In May, 1578, the mind of the Bench on religion was shown by the Order that every man of the House should at least once in the year, if in Commons, receive Sacrament in the House.

In 1605 the growing indisposition of the members to conformity forced the Bench to note that out of 140 Benchers, Barristers and young gentlemen, no more than forty usually took the Communion. In 1610 the utter Barristers were by decimation put out of Commons, for example's sake, because the whole Bar offended by not dancing on Candlemas Day before the judges. One may suppose that the Puritan spirit accounted in part though not altogether for this revolt.

The marriage of the Count Palatine of Rhene (*sic*) in 1613 was enlivened by a masque held at the expense of Lincoln's Inn and the Middle Temple, of which full particulars are to be found in "Black Books," vol. ii, p. 435. This prince was the recognised head of the Evangelical Union founded by his father to protect the interests of the

Protestants, and the marriage must have been very welcome on that ground to the non-Catholic party.

In 1623, the New Chapel was opened with great ceremony, and the Bench, in view of the occasion, enacted that no gentlemen in the time of Divine service or sermon should sit, lean, or rest with their hands, or arms, against the Communion Table or lay their hats or books upon the same. It seems that at this period manners in church were, to our ideas, incredibly indecorous. There is somewhere a story of a woman having laid her baby on the Table as a convenient receptacle.

In 1626 all who had not already received Communion were ordered to receive it on the next Sabbath day. That order was dated in May, and was followed by one in June warning Brown and Minshull (two Catholic Fellows) to forbear all private conference and conversing with any of the gentlemen of the Society until they had conformed themselves to the true Christian religion established in the realm. As these two Fellows were in the Queen's service, King Charles sent Sir Maurice Dromond to signify that His Majesty's pleasure was, that Minshull, who was in the Queen's service, might continue as theretofore, and frightened the Bench into assenting.

In the same year, William Prynne (who was admitted a student of the Inn in 1621) came on the scene. The Commissioners in causes Ecclesiastical, three of whom were the Bishops of London,



Bath and Wells, and St. David's, informed the Bench that they were directed to convent before them one W. Prynne, a student of Lincoln's Inn for publishing without licence or authority a book wherein were passages to the scandal of the Church of England in general and against particular persons eminent in the Church. The Commissioners enclosed the summons against Prynne and added "for avoiding of offence which might be raised by execution of writ within any place or upon any place or person privileged in respect of this house they prayed the Bench to let Mr. Prynne know that he had to appear before them in St. Paul's."<sup>1</sup> These proceedings had escaped notice until published in this series; the outcome of them is unknown.

In 1633 came another letter from King Charles himself ("Black Books," Vol. IV, p. 308), informing the Bench at considerable length that he expected from them extraordinary diligence in enforcing his recent Proclamation for the due observation of Lent and the restraint of eating of flesh in that season, and required them to render an account of their doings in the matter. In the next year (1634) Laud, then Bishop of London, wrote to the Benchers and other gentlemen and Fellows of Lincoln's Inn by command of the King to signify

<sup>1</sup> Note the suggestion that *Lincoln's Inn* was a place in which writs did not run nor could be served, and that the Messenger of the Commission took care to disclaim any knowledge of the contents of the letters given him to deliver at *Lincoln's Inn*.

to the Bench that he would not infringe any of the privileges of the House nor have Laud himself writing as by an ordinary jurisdiction of him (Laud), yet he (*i.e.*, the King) expressly required them to take order (in brief) that the curate on every Sunday and holiday should read the entire service in his surplice and hood and the preacher contain himself within the doctrines and discipline of the Church of England. This letter is set out at length in the "Black Books," with the dry comment by the Bench that the preacher and curate had in the last vacation conformed to the orders of the Church in the letter, and that notice of the letter should be given to those thereafter preachers or chaplains. I infer that some of the Masters of the Bench were of opinion they were Masters in their own house without the assistance of the Archbishop.

William Prynne again comes on the scene. He had published "Histrio Mastix" (of which the Benchers' opinion appears below) and had been sentenced by the Star Chamber in 1634 to be imprisoned for life, fined £5,000, expelled from Lincoln's Inn, rendered incapable of following his profession, degraded from his Oxford degree, and set in the pillory, where he was deprived of both his ears. In due course, on April 24th, 1634, a Bench of nineteen Benchers present resolve as follows :—

"WHEREAS WILLIAM PRYNNE one of the

outer Barristers of this House on February 26th last was censured in the High Court of Star Chamber for the writing and publishing of an infamous and scurrilous libel by him entitled 'Histrio Mastix, the Player's Scourge and Actor's Tragedy,' being indeed no other than a railing invective against His Majesty, his dearest Consort, the Queen, and the whole present State and Government of the Kingdom: containing not only scandals to all His Majesty's people in general, but also divers incitements of his people to sedition, and to infuse dangerous opinions into them that there are just causes for which they may lay violent hands upon Princes, containing also personal aspersions of Her Majestie and excessive railing, uncharitable and unchristian censures of all sorts of people except the factious and disobedient contemners of the present Government, who are therein by him commended."

And the Bench go on to order "that the said William Prynne be utterly expelled out of this Society and he is expelled out of the same accordingly."

At this meeting the Benchers present were only nineteen in number. The highest number of Benchers present at any meeting in 1633 or 1634 was twenty-seven in May, 1633; other numbers in those years are twenty and twenty-one. I infer that the feeling of the Bench was not unanimous in favour of expulsion and manifested itself.

In 1640-1 the Long Parliament met, of which Mr. Lenthall was Speaker, Mr. Oliver St. John, Solicitor-General, and Mr. Euseby Wright a member, all of Lincoln's Inn, and on May 25th, 1641, pursuant to an order of the Commons House of Parliament of May 20th, the Bench order that "Mr. Prynne shall be forthwith restored to his former condition in this House according to his antiquity and to his chamber there, and he is hereby and by the Benchers of this House 'nullo contradicente' fully and clearly declared to be accordingly restored."

In November, 1641, the Lords in Council ordered diligent search to be made by the Treasurer, Readers, and Benchers of the four Inns of Court whether there were any recusants admitted to their several Houses or their Inns of Chancery. In the same month, Mr. Oliver St. John, Solicitor-General, and other members of Lincoln's Inn, were by Commission given power to administer to all Irish students and other suspected persons the Oaths of Supremacy and Allegiance; and the Bench ordered that Sir H. Minshull and all the Irish students should be warned to attend.

On August 22nd, 1642, King Charles raised his standard at Nottingham, and the outbreak of the Civil War makes these marks in the Records of the Society.

A period of two years passes without an entry of any kind in either the "Black Book" or the "Red

Book." Admissions were in usual numbers up to August 4th, 1642. After that date there are three admissions only, until June 24th, 1644, when the admissions regain their usual number of from twenty to thirty a year.

The minutes of the Council of June 29th, 1642, the last before the Nottingham incident, fill a small space in the "Black Books," leaving half a page blank below the last entry of business done on that day. The next entry of July 1st, 1644, is by the writer of the entry of June 29th, 1642. It begins at the top of the next page, making no reference to the interval since 1642. It records a call to the Bar of sixteen gentlemen, a resolution that moots might be held, the appointment of a committee to consider of the Steward's propositions touching Commons during the troubles of the kingdom, and a direction to the Treasurer to signify "what House plate had been sold."

It is evident that a strain had been put on the resources of the Inn, and three years later the Society owed £900, on which interest was running at 7 per cent.

There is no allusion after 1642 to King Charles I, but the regnal year is omitted from the entry recording the first sitting of the Bench in the legal year 1649. There is but one reference (other than a formal one) to the life or death of the Protector. This is during the interval between the burial of his body in Henry VIIth's Chapel of Westminster

Abbey and the public funeral on November 23rd. The Bench order of November 10th, 1659 (ten Benchers present), runs thus : " In regard to the unsuitableness of mirth and jollity to the condition of this present time, the Bench order that for the future there shall be no music in the Hall without the consent of the Upper mess, who are empowered to indulge the gentlemen of this Society their wonted recreation when the time shall appear more seasonable."

I may note here the names of the Lincoln's Inn men who appear in the "Black Books" to have been supporters of Parliament during the Civil War. William Lenthall was invited to the Bench in 1643, was Speaker of the Long Parliament in 1640, and Master of the Rolls in 1643. Gilbert Millington was called in 1640, Miles Corbett in 1623, Samuel Brown also called in 1623, Michael Love in 1636, and Garland in 1639. Of these Millington, Corbett, Love, and Garland sat on the High Commission for the trial of the King. Garland, Millington, and Corbett alone signed the warrant for King Charles's execution. Garland and Millington were tried and condemned to death, but their sentence was commuted. Love refused to sign, fled to Switzerland, and there died in 1682. Samuel Brown was a Bencher and Commissioner of the Great Seal of Parliament in 1641, and became a Serjeant in 1648. John Glynne, Bencher in 1641, became Recorder of London, and a

Serjeant in 1651. Lastly, Lislebon Long, called in 1640, was made Recorder of London in 1655, Treasurer in 1656, and, finally, Speaker of the House of Commons. William Prynne was invited to the Bench in 1648, elected Treasurer in 1657, and died in 1669, after many years' useful service on the Bench. He was buried under the chapel.

On the return of the King, the Benchers, by order of November 19th, 1660, expelled Millington, Corbett, Love, and Garland from the Society and seized their chambers.

There are two accounts of life in the sixteenth century with which I will close my lecture. The first is the tale of a special correspondent at the seat of war in France in 1544. This, "The Siege of Boulogne," I will leave you to read for yourselves from the copy of the "Black Books" in your Library, in Vol. I, pp. 266-7. The second account is also to be found in Vol. I, on pp. 276-284. It deals with the funeral of Henry VIII and the coronation of Edward VI, of the honours conferred, and finally of the creation of six Serjeants-at-Law, two of whom were Fellows of our Society. The description of the Serjeants' feast, like all the rest, is evidently written by a Fellow of our Society, very jealous for the honour of his Inn, and for some reason suspicious of the conduct of the Temples in the matter of the price paid for the scaffold and standings.

I will now read to you from Vol. I of the "Black Books," pages 278-81.

"And then the syxe newe Sergeauntes here after named, which were elected and had their writtes in Trinite terme afore to appere before the Justices and resceyve their charge accordyng to their vocacion *in crastino Purificacionis Beate Marie*, which was the Thursdaye next after the deathe of the seid Kyng Henry the 8, whoes sowle God pardon! They had newe writtes agen delyvered to them, of lyke effect w<sup>t</sup> the olde, returnable the same daye, And the seid newe Sergeauntes proceded and kept their feaste at Lincholnes Inne by the appoyntement and at the specyall request of the seid Lorde Wriothesley, then lorde Chauncelo<sup>r</sup>, as followeth :—

"Sc., uppon the seid Thursdaye in the mornyng, beyng the next daye after Candelmas Daye and the thirde daye of February, came in to Lincholnes Inne Halle S<sup>r</sup> Richard Lyster, knighte, Chief Justice of England, S<sup>r</sup> Edward Mountague, knighte, Chief Justice of the Common Place, S<sup>r</sup> Roger Cholmeley, knighte, Chief Baron of the Eschequer and other the Justices of bothe Benches and Barons of the Eschequer and alle the olde Sergeauntes, sc., M. Molineux, M. Hales, M. Harres, and M. Saunders

"And after that the Justices were there sett uppon the benche, and after every of the seid newe Sergeauntes of other Howses of Courte were brought that mornyng in lyke maner w<sup>t</sup> all their cumpanyes and felawshippe severally to their severall chambers in Lincholnes Inne, and from thens the seid newe Sergeauntes being conveyed to the Librarye, there then came downe in to the Halle, and before them went the Warden of the



Flete and his menne w<sup>t</sup> tipstaves, all in the seid Serjeauntes' lyvere.

"And M. Crafford, oone of the Auncyent Benchers of Lincholnes Ynne, (their Steward), and M. Rokewoode of Lincholnes Ynne aforesaid, Chief Prenotary of the Common Place, (their Comptroller), in the seid Sergeauntes' livere gownes allso, furred w<sup>t</sup> martrens and eche of them a greate cheyne of golde abowt his necke and a whyte stafe in his hande, in lyke wyse came before the seid newe Sergeauntes, whose names nowe orderly follow:—sc., M. Whiddon of the Inner Temple, M. Meynell of Lincolnes Inne, M. Broke of the seid Inner Temple, M. Morgan of Lincolnes Ynne aforesaid, M. Pollard of the Middle Temple, and M. Coke of Grayes Ynne.

"These syxe newe elected Sergeauntes, stondyng before the seid Justices there beyng placed on the Benche, and after a godly, thowghe sumwhatt prolixie or long declaracion of their seid dutyes, and exhortacion to their full followyng and execucion of the same, accordingly made to them by the seid S<sup>r</sup> Rycharde Lyster, Chief Justice of Englande, and their writtes and declaracions rehersed, their Coyfes were severally put on their heades, and their hoodes in lyke wyse delyvered to them; and then the Justices so departyng from Lincolnes Ynne went to Westminster aboute 10 of the clock in the fornoone of the same daye.

"And then, shortly after, the seid newe Sergeauntes went allso to Westminster Halle, and from thens to o<sup>r</sup> Lady of Pewe's Chappell, and then came agen into Westminster Halle, and there stode orderly over ageynst the Common Place, to the barre of which Place were they solempnely browghte oon after an other by ij of the olde Sergeauntes, and

the seid Warden of the Flete from tyme to tyme particularly went afore every of them; and there rehersed they eche of them ageyn their severall writtes and declaracions, and then dyd gyve rynges to the Magistrates and Judges, there being placed accordyng to their degrees. \* \* \*

"And this ended, the seid Lorde Chauncelo<sup>r</sup> and th'other lordes and Judges came that daye to dynner at Lincolnes Ynne, and thyther came allso to dynner my lorde Mayer of London, w<sup>t</sup> certen Aldermen and the Sheriffes of the Citie and sum other menne of woorshyppe and gentlemen besydes, which were bidden to the feaste, and but a fewe other; where they were all honorably resceyved, thowghe their dynner was not Epicuryous nor verray sumptuous, but yet moderatly, discreetly and sufficiently ordred, w<sup>t</sup> a wyse temperaunce, w<sup>t</sup>oute great excesse or superfluyte, as it was moste convenyent, and to learned lawers and sobre and experte cownselo<sup>rs</sup> was moste decent and requesyte.

"At the seid dynner the hyghe table was furnysshed principally w<sup>t</sup> my seid lorde Chauncelo<sup>r</sup> and other noblemenne, lordes and gentlemenne of woorship and good callyng. At the second table, being on the northe syde of the seid Halle, dyd sytt my seid lorde Mayer, w<sup>t</sup> the Aldermen, Shirefes of the Citie, and divers other gentlemen, as M. Carrell, Attorney of the Duchye, M. Chidley, Attorney of the Tenthes, w<sup>t</sup> soche other of woorshipfull callyng. The third boorde, of the south syde of the seid Halle, was ryght woorshipfully and cumly furnysshed w<sup>t</sup> the sage Judges of the lawe, the moste notable and profownde cownselo<sup>rs</sup>, the olde Serjeauntes, and the twoo expert, discrete, grave and deepe stodyed menne yn the seid lawes, s., M. Bradshawe of the Inner

Temple, the Kynge's Generall Attorney, and M. Griffyn of Lincholnes Ynne, the Kinge's Magestie's Generall Sollicitor. At the fourthe boorde, on the seid South syde of the Hall, dyd orderly sytt upon the Benche, all of oone syde, the seid newe made Sergeauntes, every of them in their auncyentye. At the fifthe table, on the seid north syde of the seid Halle, dyd sytt Gentlemen of a meaner callyng.

"The Hall being thus furnysshed, the Benchers of Lincholnes Ynne dyd see the seid dynner in good course served, and then they themselves furnished uppe the table in the myddes of the Halle, toward the lower ende therof, commawnding certen other gentlemen of Lincholnes Ynne, of the most sobre and wyse sorte, to severall places in the Hall appoynted, to wayte and attende all the seid dynner to the service therof; which with all diligens they executed accordingly.

"And when dynner was solemnely finisshed, the lorde Chauncelo<sup>r</sup>, w<sup>t</sup> th'other lordes, departed from Lincolnes Ynne, abowte twoo of the clock in the after noone.

"And w<sup>t</sup>yn an howre after, the seid newe Sergeauntes went to Paule's, and there eche of them stode at their severall pillers in the body of the church, accordyng to the auncyent custome in that case used; and from thens they came to Sergeauntes Ynne, every of them to their severall chambers, and there remayned.

"And thus ended this honorable Sergeauntes feaste, w<sup>t</sup> with all the circumstaunces and proces, moche to their prayse woorshippe and perpetuall fame, woorthy commendacion.

"And it is farther to be remembred that the twoo newe Sergeauntes of Lincholnes Yn, s., M.

Meynell and M. Morgan, the nyght before they were made Sergeauntes, were called into the Chappell of Lincholnes Ynne, and there, after an ornate oracion made to them by the ryght woorshipfull M. Baron Pilbarowghe in the presence of my Masters of the Benche and all the cumpany of the gentlemen and of the Felawship of the seid Howse, every of the seid Sergeauntes had then to hym delyvered in the name of the seid whole Felawshyppe, as of their free gyfte and rewarde towardes their charges, vjli. in a purse ; which was gathered of all the cumpany of the Howse, and a good summe besydes, which was delyvered to M. Forster, Treasurer of Lincholnes Ynne ; which money was payde after the rate of xld. every gentleman ; wherof my Masters of the Benche payd nothing, nor were contributory to the same."

Of men worthy of remembrance, as "worshipful" men of their time, we have had many at Lincoln's Inn. Probably chance directed them to Lincoln's Inn, and their good fortune (not undeserved) early brought their merits to notice : we need not stay to compute what credit is due to the Inn for their success. It is sufficient that being members of the Society, they have become in their vocation "worshipful men." These begin with Sir J. Fortescue, the Fortescue Junior who was Gubernator of Lincoln's Inn of 1424-6, and include Sir Thomas More (the first lay Chancellor) ; Sir Matthew Hale, benefactor to the Inn ; Lords Mansfield, Brougham, St. Leonards, Campbell, Selborne, Cairns, Herschell, and Russell of Killowen. Others rose

to fame by other paths, William Lambarde, antiquarian ; Jeremy Bentham, jurist and philanthropist ; Lord Macaulay and Lord Courtney of Penwith, Publicist ; Sir Henry Maine, jurist ; F. W. Maitland, of historic instinct (too soon taken from the books he loved). Next come to mind Prime Ministers, beginning with W. Pitt, followed by Addington, Canning, and Spencer Percival ; and in the Ministry of the day Lord Haldane of Cloan, Lord Chancellor ; Mr. Asquith, Prime Minister ; and Lord Morley of Blackburn.

## V

### GRAY'S INN

*A lecture delivered in Middle Temple Hall  
on Monday, 17th June, 1912, by*

H. E. DUKE, K.C., M.P.

WHEN you think of an Inn of Court, you necessarily think of it in many phases. You think of it as a place of a noble isolation, completely separated from the tumultuous activity of London, a place of ancient renown for its buildings and its historic associations. You think of it, again, as the place of an ancient seat of legal learning and of the social life of this country. And, as to your own Inn, you probably think of it chiefly as the symbol of a great human fellowship which binds together men of many generations and adds to the lustre of modern times much that is distinguished in the historic and intellectual past.

When I think of Gray's Inn, I think of it in that way. Think of it, first of all, in the light in which one so often hears it discussed by, I will not say the lady visitor, but the fashionable visitor: "What a nice, charming place, and how interesting!" The sight of a hall three or four hundred years old and of a sequestered place where there is something like continuous quiet does give a charm to each of the Inns. But after all, you must see beneath the surface to appreciate their real charm. Anyone entering South Square is struck at once by the building opposite him, which he is told was built in the sixteenth century; he sees a gem of Tudor architecture and some stained glass and some memorials of renowned men, he sees also some excellent and substantial buildings designed in the reign of Anne and the Georges and some additions made in more recent times, and he passes away delighted. But just as it is true with regard to any acre of land in this country that it has a history of its own, it is true with regard to each of our Inns of Court that it has a history of peculiar interest. It is true of this ancient House of which you are members and in which we have the privilege of being assembled, and it is certainly true of our Inn, Gray's Inn.

We know about Gray's Inn as an inhabited place that it was the Manor House of an ancient manor. We know that the ancient manor, which was called the Manor of Portpoole, was in remote

times an endowment of one of the prebends of St. Paul's Cathedral, and then 600 years or more ago passed into the possession of a Chief Justice of Chester, Reginald Le Gray, by a sub-infeudation from the Dean and Chapter of London. The property is described in the *inquisitio post mortem* on the death of Reginald Le Gray, when the jurors found that "Reginaldus le Grey fuit seisitus apud Purtepole die quo obiit de quodam messuagio cum gardinis et cum uno columbario. Item . . . quoddam molend. ventriticum." That manorial mill is a windmill I suspect which subsequently figured in some recorded legal proceedings, when it was doubtful whether the access of new buildings about an ancient mill which deprived it of its accustomed currents of air amounted to a legal nuisance.

This description of the possessions of Reginald Le Gray which bears date the first year of Edward the Second was altered not very long afterwards. In an inquisition as to the death of another Le Gray—one who by that time I think had become a de Gray—*messuagium* has been transformed to *hospitium* and the jurors find that "predicta hospicium gardinum shope et terra . . . . dimittuntur adfirma." Those of us who are interested in the antiquity of the Inn find significance in the change of description from "messuagium," in the time of the elder Reginald Le Gray, to "hospitium" let to tenants in the time of his grandson, and it is not very long after that the



messuagium of Reginald Le Gray proves to be in truth Gray's Inn as we know it; because in 1395 upon the death of another member of the same house it is found that during his life he had enfeoffed certain trustees of his manor of "Portpole" in Holborn called "Greysyn." The Society of Gray's Inn must, I think, have been in possession of Gray's Inn at that time. I will tell you why. Among our old registers, unfortunately burned in one of those fires which have been almost as destructive of our treasures in fact as the celebrated fire of Caleb Balderstone was of his revered master's possessions in fiction, there were records which tallied with a record in one of the windows of our Hall. It was the custom in ancient times to place in the windows of the Hall a reproduction in glass of the armorial bearings of the great men of the Inn. The most ancient in date of those armorial representations was a representation of the arms of William Skypwith, who became Serjeant-at-Law in 1355, and by operation of his serjeantship-at-law would have ceased to be a member of any Inn except Serjeant's Inn. The next in antiquity is that of Markham, afterwards a Chief Justice, and before the end of that century William Gascoigne the ever-renowned Chief Justice of the King's Bench—whose arms also are preserved among the arms of readers depicted in the windows of the Hall—also had been a Reader and in 1398 he had become a Serjeant. In the

15th century we come into clear daylight ; because about the middle of this century certain feoffees are found to have taken a grant of the House in fee, pretty obviously for the use of the Society, and the "men of Gray's Inn" figure by that description in the documents of the time.

I think we may say that for a great part of 550 years the Society of Gray's Inn has been housed in the House which we now know as Gray's Inn. You have the old Hall there ; I am sure all of you are familiar with it. It is of modest proportions compared with your Hall, but if you bear in mind that it was founded upon the site of a manor house and that the Hall on one side and the chapel on the other side are almost certainly survivals of that old manorial home, it will excuse us for the pride which we feel in the modest proportions of our Hall as well as in its antiquity.

The chapel was from the very first part of the old institution, and I will tell you why I say so. There is in existence in the Record Office a grant by the first Reginald Le Gray of lands of his which were part of the old Manor of Portpoole to the Prior and Convent of St. Bartholomew in Smithfield, for the providing of one priest to celebrate divine service daily for ever in the chapel of the Manor of Portpoole for the repose of his soul, the souls of his ancestors, and all the faithful departed. Curiously enough, 200 years afterwards,

when King Henry conducted the Reformation, and the Court of Augmentations was sitting—the Court for the augmentation of the King's revenues—it inquired into the endowments of St. Bartholomew's and it found, by a curious perversion of the true facts, not that those lands were granted to St. Bartholomew's, the old priory, for prayers for the repose of the soul of Reginald Le Gray, but that the Prior and Convent of St. Bartholomew's held them upon terms of performing daily divine service for "the Student Gentlemen and other Fellows of Gray's Inn." Oddly enough, that old endowment of Reginald Le Gray—the endowment of a chantry—was the subject of a pecuniary arrangement between our Bench and the Sequestrators under the Commonwealth; and when Charles II came back the authorities of the Exchequer most loyally disregarded the settlement we had made with the Sequestrators of the Commonwealth, and we made a new settlement with His Majesty. So it comes to pass that, just as on the site of the old Hall of the Manor of Portpoole our Society of Gray's Inn has its home, on the site of the old chapel of the Manor of Portpoole, where certainly from Reginald Le Gray's time down to the present day, except for short interruptions through the time of the Commonwealth, there has been divine service according to the forms of the established religion of England, stands the chapel of Gray's Inn, and

by its part in our modern system lends dignity to the life of a Society which has survived through so many vicissitudes.

Gentlemen, if you could take a bird's-eye view of our Inn, you would see little except the Hall and Chapel which even occupies the site of the buildings of old time. So far as the Hall itself is concerned, it was not erected anew, but re-edified, to use the word of the time, when Nicholas Bacon was Treasurer of Gray's Inn. The process occurred at some time in the years between 1553 and 1560, and during most of the time Nicholas Bacon, whose name is memorable among lawyers as is that of his famous son among philosophers, was Treasurer of Gray's Inn and supervised that re-building. I will tell you an interesting fact which seems to me to show most definitely that the Hall as it is now, its proportions as we now have it, stands very nearly upon the lines of the ancient Hall. The old entrance to Gray's Inn Hall was on the north side. The Inn was approached through Gray's Inn Lane. The present approach through Holborn was an innovation of the time of Francis Bacon, commemorated in the manner of Francis Bacon by an Order of Pension which granted to Whitgift, Bacon's old tutor, a residence in the Gate House. The old entrance of the Hall on the north side was uncovered some few years ago. Some of my colleagues who are here know all about it, but in the spandrel of an arched

doorway which was uncovered at that time were found the arms of Charles Brandon, Duke of Suffolk, renowned as a favourite of Henry VIII. Charles Brandon was a man who besides being a member of Gray's Inn, held various offices in connection with the courts of law before he attained that proud position in which he became ultimately the consort of the King's sister. But in the time of Brandon's prosperity, which was over—and indeed his life was over—before Nicholas Bacon re-edified the Hall, Charles Brandon's arms as Duke of Suffolk had been carved in that spandrel; and that arch, which shows the old main entrance to the Hall of Gray's Inn, stands there to-day. I think there is reason in this for believing that this Hall of Gray's Inn was rebuilt upon its old foundations.

Gentlemen, I was suggesting to you a bird's-eye view of Gray's Inn as it is, compared with Gray's Inn as it was in its palmiest days. If you could recall Gray's Inn in its first state, as it appears for instance in Agas's map of London, you would see only a manor house with some adjacent buildings situated in fields which stretch away to the County of Middlesex and towards the North, with cows browsing and a windmill no doubt in full action somewhat more northward, and every indication of the sweets of rural life. That condition of old Gray's Inn continued down to the time certainly of Henry VIII and probably of Elizabeth.

I think there were no buildings to speak of northward of Gray's Inn in that suburb of London well into the days of Elizabeth, when the Privy Council became occupied with the task of restraining the inordinate tendency of Londoners to build in that direction, and became thus concerned, I must confess, to some extent at the instance of our predecessors the Benchers of Gray's Inn, who disliked being hemmed in with mean buildings. But time passed; there was by and by an epidemic of building of chambers in the Inn upon the sort of grants which they made at that time, a grant for the life of the member subject to his performance of his duties as a member of the Society and subject to his erecting chambers upon the allotted site, and there was also a strong desire to build town houses outside the Inn, and buildings of one sort and another steadily increased.

It was in the period of new activity in building that Francis Bacon, as a Bencher of the Inn, not yet greatly in favour at Court, and very much interested in the welfare of his Inn, took occasion to impress upon his brethren the necessity of laying out gardens upon what had been closes of farmland on the west and north sides of the Inn. The gardens survived as he designed them until the dark days of the later Georgian era, when the memory of Bacon seemed almost forgotten, and the mount which he had erected in the manner discussed in his essay "On Gardens" and which is

described in an Order of Pension in our Pension Books as "the mount called Bacon's Mount," was ordered to be cleared away with a good many other encumbrances, and the space to be sown with grass. The scene of that misfortune of ours was obliterated in due course by the erection of some buildings which are now called Raymond Buildings, upon what had been the site of the Mount which should have for all time associated the presence of Bacon with our Inn. All our present buildings except the Hall and the chapel are comparatively modern buildings of a time subsequent to the revolution of 1688. We had in 1685, in the early days of James II, a magnificent entertainment in honour of His Majesty, with revelling beyond the revelling to which the Inn was addicted—which goes a very long way—and in the course of that revel there was a bonfire which burnt up Bacon's chambers, the old library, many of the records of the Society, and a mass of architecture and buildings of Tudor times, and perhaps earlier times, and left a clear field on which people of less ambitious periods might erect those admirable buildings which now enclose what I think Dickens called the Sahara of central London.

Gentlemen, those are elements of interest which one bears in mind with much satisfaction, because as I have said, in these Inns, and not less in Gray's Inn than in the others, the record of the noble past of this country is written large for the man who

will take the pains to read and has the mind to understand.

Now, taking the place as it was, let us consider for a moment the Society as it was. I do not know if it has struck some of you what an odd thing it is that the Inns of Court are not incorporated. The truth of the matter is, I think, that they represent a phase of English life which is older than incorporation—the life of the guild. We look back to the period when justice ceased to be in fact a royal prerogative and became a national right, and when the Court of Common Pleas, instead of travelling about the country in the train of the King, was seated in a certain place in London, and we follow on to that point of time when Edward I—who has been called our Justinian—decreed that there should be a certain number of “apprentices of the law and attorneys” in attendance upon the Courts which had recently been permanently settled in London to administer justice for the realm.

I think we may confidently look back to that time for the origin of the Inns of Court as they live to-day. I think the Professors of the Common Law must have been definitely assembled in London at that period. There are various indications of places where they were found seated, and the records of each of the Inns point to that period as the date at which the Inns of Court as institutions began to have their being. That tallies



with what I mentioned with regard to Skypwith, C.B., Markham, C.J., and Gascoigne, C.J., and with regard to the acquisition of Gray's Inn from the family of Le Gray ; and I think we may find our "professors of the Common Law" assembled in London at about that period. A reasonable association of facts warrants us in that belief.

From the time of those first Readers, that is, the first recorded Masters of the Bench of Gray's Inn, down towards the days of the Great Rebellion, the active life of Gray's Inn seems to have been pursued, so far as records or traditions show, without any very material change. It was a place first of all of the very severest legal exercises, a collegiate institution of the strictest collegiate character. Residence was the first qualification of membership, and participation in the exercises of learning was an essential condition of continuance in the Inn. It was the place of residence and the home in London of many of those who are called in the old books the sages of the law. I have said it was a place of residence. It became at times a place of crowded residence. There is a phrase of Bacon's: "Themis will have no bedfellow," which recalls an expression very familiar to us in our Pension Books with regard to the bedfellow system. A man who had chambers in those crowded times could not keep his chamber for himself alone, and at one time he was entitled to choose what was called a bedfellow—what

we should call in modern times perhaps "a stable companion;" but at a later time the Bench found it necessary to insist that it should decide what men should be allocated to chambers. You had that condition of residence; you had a collegiate system; the men must be in Commons and keep their chapels; there was daily chapel, morning and afternoon; there were the meals in common, dinner at 12 o'clock and supper at 6 or 7 o'clock; there were moots and bolts and exercises day in and day out and week in and week out throughout great part of the year.

There really is remarkable evidence, so far as Gray's Inn is concerned, of the thoroughness of the system of education which continued from the time of the early Readers down to the time of the Civil War. It so happens that Nicholas Bacon in the time of Henry VIII was called upon to make a return to the King with regard to the system of education, and he describes it in a State paper which you will find among the Domestic State Papers, with a great deal of detail. Later, in James's time, when apparently it was suspected that there was a tendency to laxity or latitude on the part of the then rulers of the Inns, there was something of a similar process, and Francis Bacon made a visitation of the Inn in order to see that the old rules were observed; and in the State Paper of Nicholas Bacon and in the address which Francis Bacon made at his visitation and which we

find recorded in the oldest of our Pension Books, you get the record of a very remarkable system of legal education. You begin with the Student, who seems to have had very little notice taken of him till he qualified as an Inner Barrister. He was called "Inner" because he sat farther off upon the benches in the Hall than the Outer Barristers, who faced the Bench. A man when he had been seven years an Inner Barrister might hope, if he were diligent in his exercises, to become an Outer Barrister, and when he had become an Outer Barrister and had persevered with his duties for five years, might become an Ancient and then might go to Westminster and practise in the Courts. So the records make it clear. No doubt they began young, but they did not get into practice in that condition of adolescence in which young gentlemen sometimes appear now.

Nicholas Bacon described the methods of instruction which were adopted. There were moots in term time, and then on the first Monday in Lent and the first Monday after Lammas there began the learning vacations. In term time there were moots in which the Benchers were seated as judges and an Outer Barrister and an Inner Barrister were assigned on each side as advocates. An Outer Barrister of the Society stated a case and thereupon the Inner Barrister, who was the junior, stated, of course in Norman French, the appropriate pleading for the plaintiff, and the Inner Barrister

who was on the other side stated the appropriate pleading for the defendant. Thereupon issue was joined and the two men who were the leaders, and were practising in anticipation of the time when they should take charge of people's interests in Westminster Hall, set to and conducted an argument before the Bench of the Society.

Those were the exercises of the more advanced students; but when the Outer Barrister was not engaged in that way he was conducting what were called bolts for the Inner Barristers. I suppose he was "bolting," that is sifting, the knowledge of the Inner Barristers. He set questions for argument, and it was the business of every man from time to time to propound a "case." In the intervals of these exercises Barristers or Ancients of the Society, as the case might be, were deputed to Barnard's Inn and Staple Inn, which were the Inns of Chancery under the government of Gray's Inn, and there they conducted the exercises of the Students of the Inns of Chancery, with the duty of returning to Gray's Inn the reports of their proceedings in the subordinate societies. On the whole, I do not think the law students and the gentlemen who had not arrived at the dignity of the robe and the responsibility of appearance in Court had by any means an enviably easy time in those days.

Study and exercise did not end with studentship. The Readers were the Benchers, and before a man qualified for the Bench he must "make his reading."

There is a curious record concerning Callis, whose great reading on the Statute of Sewers I suppose is the best remembered of all the readings of all the Benchers of the mediaeval bar. He was a barrister of Gray's Inn, and he made that reading on the Statute of Sewers in Gray's Inn Hall and delivered an admirable speech by way of prologue to the reading which he made, in which he dwelt upon sundry considerations which had engaged his mind before he ventured upon that enterprise. One was "care," another "expense." I do not doubt that care was necessary. The books of those times were Bracton, Littleton, the Year Books and other like ponderous folios and learned tomes, and in Gray's Inn they were kept locked up. If a man wanted to consult the books of this Society the butler or some other trusted person took him along to get a view of them. Care was necessary in the preparation of this discourse upon the Statute of Sewers, because a reading preliminary to call to this Bench must be a work which would endure after being riddled by the whole Society. The practice was that when the Reader had made his reading, from the junior man of the Bar upward to the senior man on the Bench, everybody might take a shot at him, and then the learned Reader justified his existence by answering the objections. As we know, the reading of Callis on the Statute of Sewers stood its test, and is among the works of authority on the ancient law of sewers to this day.

A word about the "expense." Feasting was one of the admirable characteristics of the old Inns. The men of those days seem to have had an aptitude for feasting which has not descended to these times! What restriction, if any, was put upon this in the time of Callis I cannot tell, but a hundred or two hundred years afterwards it was felt that perhaps there was too great a tendency to feasting, especially at the Reader's feast—because he entertained everybody for some days and brought a great retinue to the Hall to hear him read. You know the relation between the money of that period and our money. The limitation which was put by Order of Pension was that the Reader's feast should not exceed in matter of expense £300. As that probably represents £1,500 of the money of to-day I do not myself wonder that Callis weighed anxiously the care and the expense before he contributed to the legal literature of this country his reading on the Statute of Sewers. He gave as his reason for disregarding both "care" and "expense" his sense of obligation to Gray's Inn.

But the life of a student at Gray's Inn under the Tudors and the Stuarts was not all exercises. There were revels after supper, and whereas now there is a delightful Grand Night four times a year, there was then a Grand Week in every term. They had revels and masques, some of which have never been forgotten and I think cannot be for-

gotten while English history lasts. One of the great masters of the art of masquing was Francis Bacon. You get a good deal of light with regard to the mind of Francis Bacon in his Essays. He describes there the whole science of masquing ; he applied it in Gray's Inn. There was one masque for which he assumed personally the pecuniary responsibility, as it is said, which cost many thousands of pounds ; and when I observe in the Pension Orders that there was great difficulty in persuading some of the members of the Society to contribute the contributions to which they were assessed by the Society for that masque and other masques—contributions which in our money amounted to £20 per Benchers, and corresponding sums for the other members of the Society—I think it may be that the burden of that costly masquing to which Francis Bacon had a leaning and which contributed to the splendour of the great life of the Court and capital of England at that time, had something to do with the impoverished condition of his finances when he died. There is a very remarkable passage in a letter of his mother, Nicholas Bacon's second wife. In 1594 Lady Bacon, who was a great Puritan, wrote to her son Anthony, who was suspected of not having been a strict Puritan, "I trust they will not mum nor sinfully make revel at Gray's Inn." That exhortation was made on the eve of the Christmas season. They were addicted at the

Christmas season at Gray's Inn to a great outburst of revelry of that kind. The revellings began at All Hallows ; at Christmas a Prince of Portpoole was appointed, who was also Lord of Misrule, and he kept things gaily alive right through Christmas and until toward the end of January. There is a note on the Pension Book of the time, under date November 26th, 1585, when I notice Bacon was not present, which I will read : " It is ordered that from henceforth no gentleman of this Society nor any other person by the appoyntment, choyse, or assent of any gentleman of this House shall in tyme of Cristmas or any other tyme take upon him or use the name, place or comaundement of Lord or any such other lyke or break open any chamber or disorderlye molest or abuse any fellowe or officer of this House within the precincte of the same upon pain to be expulsed for the abuse or disorder against any fellowe of this House and of being put out of Commons for abuse of any Officer." But severity of necessary discipline did not prevent the most sumptuous masques of those times, the great masque in particular which was given to the Court of Queen Elizabeth by Bacon and his associates, and another great masque which was given in the palmy days of the Court of James I at the marriage of the Prince Palatine to Princess Elizabeth, a joint masque of the four Inns which is said to have cost them £20,000 in the money of that time. These were some of the mitigating



circumstances which relieved the austerity of life in an Inn of Court under the Tudors and the Stuarts.

May I say a word to you about the other conditions of the life of this time? It is curious that the old houses—the Inns of Court—from which those magnificent processions went forth, and which were the scene of gaming and pastimes, should have been in the barbarous social condition in which they were. Right down to that period the Hall and the whole of the chambers were regularly strewn with rushes. There is an ordinance against the casting out of rushes in various parts of the enclosed ground of the Inn, and there are other indications of that kind. Of course the whole of the premises were destitute of anything like the modern appliances for civilised living. So far as sanitary conditions were concerned they were those of a rather primitive camp. Our lighting system in Gray's Inn dates from the end of the eighteenth century; lanterns were set up at that time. I mention these things because they remind one how, in those magnificent days of the Tudors and of the Stuarts, where there was so much public splendour, there was very little private possession of what we deem the common amenities of life.

Again, if you will look into the history of the Inn at that time you will be struck by the singular part which the troubles of religious and political

discord played with regard to the fortunes of Gray's Inn, if not of the other Inns of Court. Down to the eve of the reign of Elizabeth so far as one can judge there was usually a prevailing spirit of harmony. There were brawls occasionally; there is something in the nature of a pitched battle recorded, in which Sir Willian Hussey, who was afterwards Chief Justice, was charged with making a tremendous attack on some of the men of the Strand Inn. There were incidents of that kind, but, speaking generally, in the Inns themselves there was harmony. But if you trace the records from the later days of Henry VIII down to after the Revolution, you will find a long sequence of discords which arose from religious and political strife. The record of the religious changes of the times begins, so far as I am aware, with an order of Pension at the instance of the King, Henry VIII, in 1539, under which what is described as a picture gloriously painted of Thomas à-Becket was taken out of one of the windows of the Inn and destroyed. Then, gentlemen, when the Edwardian period and the Protector Somerset came in we changed all our chapel furniture; and when the Maryan period began we changed it back again. But I do not think we got down to bed-rock about these matters until the Elizabethan period, when the real Protestant Reformation was begun in earnest and became a domestic affair. Right through that time in which the great Cecil was

Secretary of State, and for long years afterwards, you will find a constant process of purging of the Inn for the securing of conformity. In Cecil's time there are curious records of the purging of the Inn of papistry. There is a very remarkable story of one John Smith. He was put out of Commons in 1579 because he used opprobrious words to the Masters of the Bench concerning the Royal Supremacy, and it was ordered that he should not be restored to Commons until he had taken the Oath of Supremacy, which was declared by the Order of Pension to establish "the ancient Supremacy in matters ecclesiastical." The Bench of those days seems to have been well versed in the current matters of controversy. If it would interest you, you will find in the Pension Books many proofs of the steadfast methods used for excluding from places of influence, and certainly from Gray's Inn, by Order of the Privy Council, everybody who was suspected of papistry. There is a return, I think in the handwriting of Cecil himself, at about this period, in which he considers the constitution of the Bench and the Bar at Gray's Inn: who were Papists and who were Protestants; and there are two of them who were described as "Jesuits who have gone beyond the seas."

The state of things with regard to religion which began in Tudor days continued with variations according to the temper of the ruling influence.

down to the period after the Revolution of 1688. The Holy Communion was made the test of public trustworthiness and political loyalty, and it is a curious circumstance that it was not till 1825 that the Order of Pension which required attendance at, and receiving of, Holy Communion by members of the Society was rescinded. It was a survival of a long past time.

I will not dwell upon the religious side of those controversies; they were prolonged and bitter, and the result of them from time to time was now the expulsion of Papists and now the expulsion of Protestants, now the favour of Papists and now the favour of Protestants; but the process was not good for the Society, as far as I can judge, in any respect, except the producing of conformity.

With regard to the political controversies, they have certainly a most interesting aspect. In the early days of King Charles the last unequivocal act of the Society was the joining in that combined masque, the Triumph of Peace, which was presented to Queen Henrietta and was regarded as a great manifestation of the loyalty of the Inns. Not very long after that, on the eve of the Civil War, there are records in the Orders of Pension of armed tumults in the Hall. In 1641 there is an occasion mentioned in the State Papers but not, I think, in our records, in which Sir William Widdrington was summoned before the House of Commons Committee as a delinquent

because of his going to Gray's Inn to call the gentlemen there to attend the King at Whitehall. That was the occasion when 500 of the men of the Inns went to Whitehall armed for the purpose of maintaining the royal pretensions against Parliament. That there were two parties in the Inn appears from many of the incidents which come to light on a perusal of the Pension Books. John Bradshaw was a Barrister of the Society. He had not attained any eminence in the Inn while it had its ancient government. In the days of the Commonwealth he was more powerful. He was made by Parliament a Serjeant, and during the twenty years of civil commotion in which the ordinary life of the Inn was in abeyance Bradshaw, with one or two of those who were afterwards summoned with him to be members of what was called the High Commission Court, was a ruling spirit in such transactions as continued. On the other side there were men whose names are memorable, men who had attained eminence and who shared the adversity of the King. There was Sir John Bankes, an ancestor, I think, of our present Judge, whose chambers were sequestered by Parliament; the sequestration was taken off after his death in favour of his widow and his infant heir. Another man of great renown in those days, a man apparently of a most impetuous temper, was one David Jenkins, a Judge of the Court of Session in Wales in the time of Charles. His

record had been a stormy one. When he was first chosen to be a Bencher—before the public troubles—and his election had been conditionally made, he replied to the notification from the Bench with opprobrious words with regard to the manner in which Benchers were elected and the exercises which were required of the elect, with the result that his call as Bencher was revoked. When the Civil War broke out Jenkins abandoned his judge-ship and joined the King in arms, was captured, and remained for many years a prisoner. He was approached by Parliament with an offer, upon terms, of the restoration of his estate which was sequestrated and a pension of £1,000 a year, so it is said, and rejected it with contempt, saying, “No degree of success could justify rebellion, and so, gentlemen, I would rather see your backs than your faces.” After, I think, twelve years in prison he was permitted to go back to Gray’s Inn. There he was probably with many other members of ruined cavalier families and the broken-down remnants of what had been a great Society. He appears to have remained at Gray’s Inn unmolested, and in 1660, when the Restoration took place, the first act of the first Pension which met was to “elect David Jenkins, Esquire, a Bencher of this Society.”

They did some other notable things at that first Pension after the Restoration. The Duke of Ormonde had come back. It had been a distin-

guishing characteristic of the Society to number among its Fellows very great numbers of the nobility. The Duke of Ormonde and his three sons were elected "Fellows." On the other hand, the chambers which had become appropriated to Bradshaw and two of his associates were confiscated to the Society. There were startling incidents, too, in the times immediately after the Restoration. Our Pension Book tells of a very great scene, in which Sir William Scroggs, the son of Chief Justice Scroggs in James the Second's time, came into the Hall with an armed party, and held what was called a "cupboard," that is, an assembly of the Society, and set himself up against the authority of the Bench, which at that time, no doubt, was a loyal but not a reactionary Bench. That is a political incident which you can trace, if you are interested in these curious matters.

I think the last time when there was trouble from armed conflict at Gray's Inn was in the year 1780, during the Gordon riots, when Samuel Romilly, who was then a comparatively young member of the Inn, mounted guard at Gray's Inn Gate with other members of the Society to meet the attack which was threatened by Lord George Gordon; and in our Pension Books I find that on that day Pension was sitting; so that apparently the Inn was in a state of preparation against the insurgent mob.

One might double or treble or quadruple these interesting episodes of national history, but, as I

have said to you, apart from all these matters of historical interest, there is one dominant consideration when one contemplates the true fame of an Inn of Court, and that is its character as a great fellowship of men. In a Society divested of any restraints of incorporation the individual man could always play his part. It is a proud thing to remember that our records of great men begin, at any rate, as far back as the time of Gascoigne, the intrepid Chief Justice. What may be the truth of his reported defiance of Henry IV, when as is said that King commanded that certain traitors should be hanged without trial, and he forbade it, one does not know ; what foundation there may be for the story that is told of his imprisonment of Henry V, one cannot tell. One does not doubt that Gascoigne was a man of intrepid character and of commanding ability, because the tradition of him has come down unbroken through very many generations.

Coming a little later to the great period of the Protestant reformation in this country, we find an extraordinary knot of men and an extraordinary sequence of circumstances in the Inn. Thomas Cromwell, the great Earl of Essex, who conducted the historic transformation of England under Henry VIII, had made his legal studies in Gray's Inn, had been an Ancient and a Bencher, a prominent man in the Society, and a prominent man in the profession of the law. During his



pre-eminence there came into the Society first Nicholas Bacon, and then William Cecil, and then Francis Walsingham. Nicholas Bacon was a great judge as well as a great statesman. You find the record of his greatness as a statesman in Hallam; the estimation in which he was held among his contemporaries is attested by contemporary observers. He is, so far as I am aware, the first English judge of whom a judicial jest is recorded. Francis Bacon records of his father that when he was going, I think the Northern Circuit, and the time had come for the sentencing of felons, a prisoner named Hog, who had been convicted of felony, was called upon to show cause why sentence should not be passed on him. The prisoner pleaded as a plea that he was akin to the Judge. "How is that?" asked Nicholas. "If it please you, my lord, thy name is Bacon and mine is Hog, and in all ages Hog and Bacon have been so near kindred that they were not to be separated." So said the felon; and the reply which Francis attributes to his father is this: "Aye, but you and I cannot be kindred except you be hanged, for Hog is not Bacon until it be well hanged."

Sir Nicholas Bacon's term of office as Lord Keeper and foremost adviser of the sovereign extended during that great period of Elizabeth's reign which witnessed in a considerable degree the making of modern England. During that time he was the chief colleague and intimate

associate of William Cecil, and Cecil had been his colleague and associate at Gray's Inn, and was in later years his brother-in-law. Cecil wrote to the Benchers of Gray's Inn, when he was commending to them the election of a fit person as preacher, of "the especiall regarde which I have of the good government of your howse as . . . the place where myself came forth unto service." He had in fact reached the status of Ancient before he went out into public life, and no doubt it is familiar knowledge to all of us that he held many important and lucrative offices in the law before he became Secretary of State to Elizabeth. He prospered as Secretary of State, with the help of Nicholas Bacon, and still more with the help of Walsingham, who, I suppose, was the most eminent and the most zealous Protestant of his time—he, as you know, was Ambassador at Paris at the time of the massacre of St. Bartholomew. It was by the labours of Cecil, Bacon, and Walsingham that the kingdom was remodelled so thoroughly that there was afterwards almost an impossibility of reversion to the religious observance or the political ideas they had helped to displace. The association of these men in this common political undertaking marks, I think, the most remarkable period in the connection of Gray's Inn with the public life of this country.

Gentlemen, those very great men were succeeded, as you know, after an interval by Francis Bacon.

One might spend a night or a week discussing, not the renown of Francis Bacon as a philosopher, but the evidences of the close interest he took in the life of Gray's Inn. If you read his table-talk, which his secretary preserved, you will see it is brimful of his life in Gray's Inn—of his life as a member of the Bar who was not in favour at Court; of how he stood with the Bar in Fleet Street when the Court went by to the City; of incidents in his chambers, and of how he walked in the "walks" he had made. There are two very remarkable conversations with a great friend of his, Mr. Jeremy Bettenham, who was also a Reader of Gray's Inn. Bacon entertained for Mr. Bettenham an affectionate regard, as it would seem. I am happy to say there are still in the Inn some articles of silver which Mr. Jeremy Bettenham presented when he was Reader. Bacon told that secretary of his two things which Mr. Bettenham had said. One of them was with regard to accumulated wealth, "It is like muck: stinks while it lies in a heap, but is of use when it is spread"; and the other was with regard to the uses of adversity, "Virtuous men like herbs and spices give not out their sweetness until they be crushed." Both of those are redolent of the garden. It was in the Gardens of Gray's Inn that Bacon walked with Raleigh; he was walking there with Raleigh when he kept Robert Cecil waiting in his chamber on an occasion in his days of greatness, of

which he himself told the story. One might recall a score of instances which illustrate Bacon's life. But Bacon was not merely a man who lived in selfish satisfaction ; he contributed of his best to the government and the greatness of this Society, of which he was a member ; and when his fall came, and he was deprived of his offices, one of the first acts of his old associates was to confirm to him for forty years the block of chambers which he had erected while he had been a member of the Society.

There is one incident of which I must remind you in connection with Bacon's taste for masquing, which I have already mentioned. In one of the masques which he presented to the Court when he was a rising man, Shakespeare's "Comedy of Errors" was produced for the first time ; and it was produced for the first time at an entertainment given in Gray's Inn Hall.

Well, Gentlemen, I must dwell no longer on the memory of Bacon ; so much of it is familiar, and so much of it rewards the study of any man who will take the pains to study Bacon's works, or the records of him. But I must say a word about Holt. Holt was a Reader in the period between the Restoration and the Revolution of 1688. He and Sir William Jones were Readers together, during a short period in which there was an attempt to revive the ancient form of exercises in the Inn. It was an attempt which failed, notwithstanding these great men took

part in it. We know what renown attends the name of Holt as a fearless and distinguished advocate and a just and merciful judge. Those who are not familiar with it may read with very great delight the tribute which is paid to him—I think it is in the “Tatler”—where the essayist portrays judicial virtue in depicting “Verus.” Holt was one of the ornaments of his time; son of an old member of Gray’s Inn, throughout his association with the Society until he became Serjeant he did his part in maintaining its common life.

I might remind you also of Romilly, who during his whole life at the Bar and on the Bench was a diligent upholder of the interests of Gray’s Inn. There is one story about Romilly which sums up, I think, all that one need say, for his renown is common property. As to his endearing character as a man, he was a leader in the Court of the Lord Chancellor, and it is said that when the unhappy event came which ended his life, and Lord Eldon on going into Court saw the vacant place where Romilly had been used to sit, the great Chancellor burst into tears and exclaimed, “I cannot stay in this place.” There could not have been a more illustrious tribute to the moral greatness of Sir Samuel Romilly. The political dispositions and the ideals in public life of the two men in that time of crisis were as far asunder as the poles, further they could not be, but the tie of common humanity and common respect which

bound them was illustrated by that involuntary expression of Lord Eldon.

In past years the Inn has known vicissitudes. Its numbers in the Stuart times, as they had been in Tudor times, were at the head of the record of all the Inns. Its numbers dwindled, but in those times it produced Holker ; it produced Mr. Justice Manisty, who is represented by a worthy son on our Bench ; it produced Lord Justice Lush, who, again, is represented by a son upon the Bench of England, also a member of the Bench of Gray's Inn.

I am happy to say to you that in the last thirty years the fortunes of the Society have been once more reversed. Helped by its moots and its sociable character, it has advanced again in numerical strength to something like the level of the most famous days of its history. We who love Gray's Inn, and value its associations and traditions, and know its common life, recognise that there, as in the other Inns of Court, the future of the legal profession has to be worked out. Serjeants' Inn and Thavie's Inn, and the rest of them, are as dead as Nineveh, but the Inns of Court, and Gray's Inn among them, go marching on. They go marching on with the memories behind them of a great history and of a fellowship of great men in a common pursuit which illustrates the legal life of this country.

William Cecil spoke of his Inn as "The place

from whence myself came forth unto service.” Can we doubt of the Inns of Court that, while those who govern them and those who constitute them regard them as places whence men go forth to service, there will be for them a future as great as their past ?

## VI

### LITERARY MEN CONNECTED WITH THE INNS OF COURT AND CHANCERY.

*A lecture delivered in Middle Temple Hall  
on Monday, June 24th, 1912, by*

W. BLAKE ODGERS, K.C.

WE reach to-night the last of this course of lectures on the Inns of Court and of Chancery. We have heard with delight a Master of each Bench descant on the glories of his Inn, telling us its history, and enumerating the great judges and lawyers whose names are written on its rolls and emblazoned in the windows of its Hall. To me has been assigned a humbler, but at the same time a somewhat lighter and pleasanter task. I am to tell you to-night something of the literary men who have been connected with each of the four Inns. And I am permitted to give a wide meaning to the phrase "literary men"; though I shall



not, as a rule, include in the term the writers of law books.

Of all the literary men connected with any Inn of Court, the greatest is the man whose merits Mr. Duke so eloquently extolled last week—the man to whom Gray's Inn and Mr. Balfour will do honour this week<sup>1</sup>—Francis Bacon, the man whom Tennyson describes as “large browed Verulam, the first of those who know”—a brilliant essayist, an acute philosopher, an active politician, a learned lawyer—a man who could write three law books without permanently injuring his style—a man who has titles to honour so many and so various that it is unnecessary to claim for him alien laurels. So much for Francis Bacon, whom Mr. Duke dealt with so fully last Monday.

The next great literary man connected with Gray's Inn is Sir Philip Sidney. He is famous for a romantic poem in prose called “The Countess of Pembroke's Arcadia.” The countess was his sister and she helped him to paraphrase the Psalms. He also wrote “An Apologie for Poetrie” and better still a Hundred and Ten Sonnets about Astrophel and Stella. He was Astrophel; Stella was Penelope Devereux, the sister of the Earl of Essex. Devereux, as you know, was the family name of Essex; that is why Devereux Court is here, close to Essex Street. None of these sonnets

<sup>1</sup> Mr. Balfour unveiled a statue of Francis Bacon in the South Square of Gray's Inn on Thursday, June 27th, 1912.

were published in Sidney's lifetime. In one of them he tells you :

“Dumb swans, not chattering pies, do lovers prove ;  
They love indeed, who quake to say they love.”

Now, is that a good plan, my young friends? Does the quaking lover as a rule succeed? Did Philip Sidney succeed? Apparently he remained a “dumb swan,” and never told his love, for nothing was settled. And then his uncle, the Earl of Leicester, quarrelled with the Earl of Essex and Penelope Devereux became Lady Rich, and not Lady Sidney.

A short but most eventful life was that of Sir Philip Sidney. He was educated at Shrewsbury, and went from there to Christ Church, Oxford. On February 2nd, 1567, when but twelve years of age, he was admitted as a student at Gray's Inn, which was at that time the most fashionable of the Inns of Court. In the year 1572 he travelled on the Continent, and was in Paris on the night of the massacre of St. Bartholomew, but, luckily for him, he was in the English Embassy with his friend Sir Francis Walsingham, the Ambassador, who was also a Gray's Inn man ; and his being in the Embassy saved his life. In 1577, when only twenty-two years old, Queen Elizabeth sent him as her Ambassador to the Court of Rudolph II, Emperor of Germany, and on this journey he met William the Silent, afterwards ruler of Holland. He subse-

quently seems to have got over his love for Penelope sufficiently to marry a daughter of Sir Francis Walsingham. Then, as you know, he led the forces of Elizabeth in the Low Countries, and was killed at the battle of Zutphen in 1586. You remember the story of his death and how he refused to drink the water which a common soldier by his side needed more than he. At the time of his death he was not quite thirty-two years old. "He was a verrey parfit gentil Knight."

A little later came to Gray's Inn Algernon Sidney, Philip's second cousin once removed. He was shamefully tried and wickedly executed for alleged participation in the Rye House plot, with which he had had nothing whatever to do.<sup>1</sup> All that they could find against him was that he had written a Treatise on Government which contained some expressions which seemed to be more in favour of a republic than of a monarchy; and for that he was executed on December 7th, 1682. There is one thing I wish to remark about both Philip and Algernon Sidney. One entered Gray's Inn at the age of twelve, the other at the age of eleven. It seems strange to us that they should have been admitted

<sup>1</sup> There was a member of Gray's Inn who was undoubtedly implicated in the Rye House plot—one Richard Nelthorp. He did take part in the plot, and then ran away to Scarborough with a friend, whence they escaped to Holland. Later they reached Switzerland, and there Nelthorp stayed in happiness, or at all events in safety, until Monmouth landed in the West of England. Then he joined Monmouth, fought for him, was taken prisoner at the battle of Sedgemoor, and in 1685 was hanged at the entrance of Gray's Inn as a terror to the other members of that Inn.

at so early an age. But this practice long continued at Gray's Inn. There is at this moment at Gray's Inn a gentleman, a Bencher of the Inn, a Justice of the Peace, a Deputy Lieutenant, who dined in Hall only last week, who has attained the age of ninety-seven and who was admitted to the Inn in 1825 before he was quite ten years old. I refer to Mr. Henry Griffith, whom I saw presented to his King in Theobald's Road last summer.

There are three other literary men connected with Gray's Inn to whom I must refer.

First there is William Camden, the well-known antiquary and historian (1551-1623). He was educated at Christ's Hospital and then at Oxford. He was for many years second master at Westminster School and rose to be headmaster. He was admitted a student of Gray's Inn on August 23rd, 1592. His most famous work "*Britannia*" gives a descriptive and historical account of the British Isles and is still regarded as an authority. He also wrote "*Annals of Queen Elizabeth*." His proficiency in antiquarian lore procured him in the first place the friendship of the Earls of Southampton and Essex, and then—possibly through their influence—the honourable and lucrative office of Clarencieux King-at-Arms. In that capacity he helped Shakespeare's father to obtain in 1599 a coat of arms which delighted the old man's heart.

Next I must mention George Gascoigne, poet and dramatist (1525-1577). Like most English

poets he was a Cambridge man. From Trinity College he moved to the Middle Temple to which Inn he was admitted in 1548. In 1555 he became a student of Gray's Inn, and is probably the "Gascoigne" who was called as an Ancient on May 24th, 1557. He is said to have been disinherited by his father; it was this perhaps which drove him abroad. He fought in the Low Countries under the Prince of Orange who gave him a captain's commission, but he quarrelled with his colonel and so returned to England. There he wrote masques for the court, a satire called "The Steele Glas," a comedy "The Supposes," adapted from Ariosto, and "Jocasta," an awful tragedy in five acts, founded upon the "Phœnissæ" of Euripides! He was more in his element when he accompanied Queen Elizabeth to Kenilworth in 1575, when the Earl of Leicester commissioned him to write verses and masques for the entertainment of his Sovereign, many of which can still be found in "The Princelye Pleasures at the Court of Kenelworth." Gascoigne was always deep in debt; indeed when once by some queer chance he was elected M.P. for Midhurst, his creditors presented a petition and prevented him from taking his seat.

The last name which I will take from the scroll of Gray's Inn—though there are many others who deserve honourable mention—is that of Bryan Waller Procter (1787–1874). He was educated at Harrow, where he was the schoolfellow of Peel

and Byron. He became a solicitor and for that reason he always wrote under the *nom de plume* of Barry Cornwall, which is an imperfect anagram of his proper name. His numerous writings soon introduced him to the circle of Leigh Hunt and Charles Lamb. He was the father of Adelaide Anne Procter, who wrote many excellent poems which will outlive those of her father. He was admitted at Gray's Inn in 1826, and called to the Bar in 1831. In 1835 he published a *Life of Edmund Kean*. From 1832 to 1861 he was a Commissioner in Lunacy for the Metropolis.

We now come to Lincoln's Inn. Who is the greatest literary man connected with Lincoln's Inn? I answer, Thomas Babington Macaulay—a man of the highest ability as an historian, a critic and a poet—a man who could do anything that he set his mind to do. But he did not take up law at all seriously as long as he was in England. He was admitted as a student of Lincoln's Inn on January 25th, 1822, and was called to the Bar there in 1826, and joined the Northern Circuit. He once had one small brief. He travelled on Circuit as far as Leeds, and the first day he was there he got weary apparently of the society of the Common Room assigned to the circuiters. He took a long candle and was retiring to bed with a book under his arm, when one of the Seniors of the Circuit said: "My young man, do not read in bed; it is a

very dangerous habit ; it would be a terrible thing if you burned down the hotel and all of us in it." Then this young man who had just joined the circuit turned round and replied with fierce volubility, "Sir, I always read in bed at home, and if I am not afraid of committing patricide and matricide and fraticide, I can hardly be expected to pay any special regard to the lives of the bagmen of Leeds." The bagmen of Leeds ! What an expression to apply to the members of the Northern Circuit. I believe he never went on Circuit again ; indeed he never really took any serious interest in law until he was sent out to be a law-maker in India.

I turn now to a very different man, Sir Thomas More. I place him next on the list of the worthies of Lincoln's Inn. He was educated at Christ Church, Oxford ; he originally entered at New Inn, but was admitted a student of Lincoln's Inn in February, 1496 ; he was called to the Bar by that Society and subsequently served as a reader at Furnival's Inn for three years or more. In 1518 he published "Utopia," a political romance which clearly entitles him to rank as a literary man ; and about the same time began the friendship between him and Erasmus which lasted the rest of his life. He rose to be Speaker of the House of Commons, and afterwards to be Lord Chancellor. And then he was put to death for conscience' sake by Henry VIII, who really loved him ; they had been bosom friends, almost like boys together.

I come next to Jeremy Bentham, who was born in 1748, and lived till 1832. He was the son of an attorney in Houndsditch, and was thus from the first a little "behind the scenes" in legal matters. As a child he was almost as precocious as John Stuart Mill. In 1755 he went to Westminster School, and five years later, when but twelve and a quarter years old, to Queen's College, Oxford, attired in skirted coat, short breeches, and the rest of the costume of mature age. There he attended the lectures of the first Vinerian Professor, William Blackstone, who afterwards wrote the famous "Commentaries." He at once found much to criticise in the optimistic description of our law given by Blackstone in his stately periods.<sup>1</sup> In November, 1763, he commenced to eat his dinners at Lincoln's Inn. There he studied the law of England and at once found many defects in it; nor were they at that period difficult to discover.

He never spoke in Court except to say a few formal words, but he was the greatest writer on all legal and constitutional subjects that had lived in England since the days of Lord Coke; as anyone can learn from the life of Bentham, recently written by my friend, Mr. Atkinson. We have to thank Bentham for many most important reforms in our law and in the procedure of our Courts; for instance, it is largely to his influence that we owe

<sup>1</sup> Bentham's Works, Edition by Sir John Bowring, 1843, vol. x. p. 45.



our present County Court system. He warmly and constantly advocated the establishment of local Courts within at the very least half a day's journey from the home of every individual—courts which should be readily accessible in every month of the year, and which should deal out every kind of justice to the local suitors. Each Court, he urged, should consist of a single judge, a trained lawyer, who should be responsible for every step in the proceedings from beginning to end, and have all necessary powers vested in him for that purpose. Such was Bentham's dream ; but it was not till Queen Victoria was on the Throne that any Court of the kind was called into existence. The legal profession, almost to a man, ignored Bentham and all his works ; they regarded him merely as an elderly gentleman, full of visionary schemes which he dimly expounded in very bad English. For, though I have a very great respect for Jeremy Bentham, I must admit that his style is abominable. He is both involved and verbose. He had a large vocabulary of words that were not really English at all, and he constantly uses different words to describe the same thing. It was only when his works had been translated into French by Dumont, and then re-translated out of the French into English by Sir John Bowring, that his meaning became intelligible to persons of ordinary comprehension. And though during the greater part of his lifetime nobody in England

paid attention to the lucubrations of this "queer old man," as they called him, yet when Mackintosh and Romilly came to understand his meaning, they soon persuaded other leading men to adopt his views, and what is more, to carry them into effect. Thus Bentham's writings had a great influence on the legislation of the reign of William IV and of the early days of Queen Victoria.

Bentham was made a Bencher of Lincoln's Inn on November 6th, 1817, and within the next three years (on April 19th, 1820) Edward Lytton Bulwer entered the Inn—an author whom we used as boys to love. Looking back upon him now, I cannot place him in the highest rank of novelists. I think his historical tales are his best, such as "The Last Days of Pompeii," "The Last of the Barons," and "Rienzi." Excellent, too, is "The Caxtons." But, although he could write a good novel, I do not find in him the same creative faculty that we find in Thackeray and Dickens. His characters do not seem to live as theirs do. Yet that he is a man of eminence in the literary world, no one can doubt for a moment. Especially good are his two plays "Richelieu," and "The Lady of Lyons." There have been other well-known novelists at Lincoln's Inn, such for instance as Wilkie Collins, the author of "The Woman in White," "Armada," and "The Moonstone," all with startling and ingenious plots. And though I do not propose in this lecture to discuss

the merits of living authors, I cannot refrain from mentioning that Mr. Rider Haggard is a member of Lincoln's Inn; and so are Sir Francis Burnand, and Mr. Buckle who was till recently the editor of *The Times*; while Mr. Anthony Hope Hawkins belongs to the Middle Temple and Messrs. Augustine Birrell, Stanley Weyman and Owen Seaman are members of the Inner Temple. Literary ability, indeed, often appears in unexpected places. The late Mr. Dart, who was Conveyancing Counsel to the Court, wrote a translation of Homer, which *The Times* pronounced to be better than Lord Derby's. And the late Mr. Lewin, the learned author of the leading book on Trusts, wrote a Life of St. Paul which was declared to be "quite encyclopædic."

While the present Chapel of Lincoln's Inn was being built there was among the stonemasons employed one who was constantly declaiming lines from Homer and other Greek authors. This arrested the attention of one of the Benchers of the Inn, who inquired into the young man's history. It seemed that when a boy he had been a scholar at Westminster; but his father had died, his mother remarried, and his step-father set him to the humble work of a stonemason. Interested in his story, the Bencher obtained for him an exhibition which enabled him to go to Trinity College, Cambridge. Hence Lincoln's Inn may claim with pride a share in the education of that

very learned poet, Ben Jonson ; for that was the young man's name. He had indeed a great regard for all four Inns ; he dedicated his play "Every Man out of his Humour" (which was first acted in 1599) "to the noblest nurseries of humanity and liberty in the Kingdom, the Inns of Court." He expresses the hope that his play will "lie not in the way of your more noble and useful studies to the public ; for so I shall suffer for it. But when the gown and cap is off, and the lord of liberty reigns, then to take it in your hands, perhaps may make some bencher, tinted with humanity, read and not repent him."

And in the open crypt under the chapel which Ben Jonson helped to build lie three men who were distinguished more by their politics than by their writings—Alexander Brome, the cavalier poet—John Thurloe, who occupied chambers at 24 Old Buildings from 1647 to 1659, and who during most of that time was secretary to Cromwell and member of his Council of State—and lastly William Prynne, of whom Mr. Douglas Walker spoke a fortnight ago. He was born in 1600 at Swainswick and educated at King Edward's School, Bath, and Oriel College, Oxford. He afterwards became a barrister, bencher, and reader of Lincoln's Inn, but remained always a sturdy Puritan. From his earliest manhood he attacked the drinking of healths, love-locks, Popery, and Arminianism, which he deemed the "Enormites of the age." He also

denounced the immorality of the stage-plays that were then being performed—not, I venture to think, without some reason. He also objected to women appearing on the stage. In Shakespeare's time, as you know, female characters were taken by boys; but this had been altered in the time of Charles I. Prynne even ventured to assert that some of the actresses then on the stage were not of the highest moral character. Unfortunately for him, his book "*Histrion-matrix*" came out in 1632 on the very next day after Queen Henrietta Maria and her Maids of Honour and other ladies of the Court had been taking part in a masque. It was therefore declared that his book was a seditious writing aimed at the destruction of the Monarchy by libelling the character of the Queen. Poor man, his ears were cut off, he was put in the pillory, and fined £5,000 by a decree of the Star Chamber;<sup>1</sup> but later, when Cromwell came to power, he was restored to his place, and made a Bencher of the Inn. He wrote a prodigious number of other books on politics and religion; and also the "*History of Archbishop Laud*," and the *Lives of Kings John, Henry III, and Edward I.*

There were many more distinguished politicians belonging to Lincoln's Inn—Robert Harley, Earl of Oxford, Sir Robert Walpole, William Pitt, George Canning, Sir James Mackintosh, Daniel O'Connell, Benjamin Disraeli, and William

<sup>1</sup> See *ante*, pp. 174, 175.

Gladstone, and some of these were not without literary distinction. We elders can all remember Tenniel's picture published on May 14th, 1870, of "Two Critics" in a book shop; Mr. Gladstone, turning over the pages of *Lothair* with a frown, says, "H'm—flippant"; Mr. Disraeli, reading Mr. Gladstone's work on Grecian mythology, says with a sneer, "Ha—prosy." And there are great politicians at Lincoln's Inn unto this day. The Prime Minister of England, Mr. Asquith, is a member of Lincoln's Inn; so also is our new Lord Chancellor, Lord Haldane, who certainly is a literary man.

Now I pass to the Middle Temple; and, if I found many literary men at Lincoln's Inn, I find more connected with the Middle Temple. I place first among them Henry Fielding, the man who created the English novel. I say this although I am aware that Richardson was a contemporary of his. In Fielding's novels the characters are life-like—sometimes almost to a painful degree. They are the very men and women of his day. I need not enumerate his great works, nor will time permit me to tell you much about the man himself.

Fielding was born on April 22nd, 1707, and died at the early age of 47. He received some kind of education at Eton, and then went to the University of Leyden. On his return to England he wrote a play which, unfortunately for him, was a success,

as it induced him to write many others which were failures. At the age of thirty he gave up writing plays and turned his attention to the law. He was admitted at the Middle Temple on November 1st, 1737, and called to the Bar on June 20th, 1740. He joined the Western Circuit, and for a while regularly attended the Wiltshire Sessions. But he was deep in debt, he had a wife and children dependent on him, and he had to devote himself to writing political pamphlets, newspaper articles, and all kinds of literary work. He worked hard ; he is described by Thackeray as sitting up late at night, after a carouse, with inky ruffles, scribbling away something for one of the papers, with the printer's boy fast asleep on the stairs outside the door. Eventually he managed to obtain what we should now call a police magistracy, and ended his days by being the Chairman of the Middlesex Sessions. No doubt his being a police magistrate brought him more and more into contact with the poor and the wicked, and he gathered much material for his novels therefrom. Into his private life I will not inquire.

Now I come to a very different man—Edward Hyde, the first Earl of Clarendon, whose picture is in the next room. He wrote the "History of the Rebellion in England." When the troubles began between King Charles and his people, he had a seat in Parliament and sided at first with the people. But when the Grand Remonstrance was carried, he

said : " This is going too far for me." He was at once snatched up by the King's party, and he stood by them bravely, and when Charles I was beheaded, he went abroad to help the widowed Queen and the young Prince Charles. He contributed more than any other man, except perhaps Monk, to the Restoration. He came back with Charles II on May 25th, 1660 ; and what do you think was his next act ? Within five days of his return with his royal master to London, I learn from the records of the Middle Temple that he entered his son Laurance Hyde, afterwards Earl of Rochester, a member of this Inn. It is delightful to find that on his return from exile he deemed it his immediate duty to enter his son as a member of his Inn.

John Evelyn was born in 1620. On February 13th, 1637, he was admitted a student at the Middle Temple, and three months later entered Balliol College, Oxford. In 1640 he took Chambers in the Temple, where he spent three happy years, " studying a little, but dancing and fooling more." On the outbreak of the Civil War, he joined the King's army. He wrote " A Discourse about Forest Trees," &c., called " Sylva," and also some interesting Memoirs. William Congreve (1670-1729) was educated at Trinity College, Dublin, with Swift. He was admitted a student of the Middle Temple on March 17th, 1691 ; but he soon deserted law for literature. He wrote three good plays, " The Old



Bachelor," "The Double Dealer," and "The Way of the World," and a number of minor poems, congratulatory and facetious, which Johnson declares to be "generally despicable." Yet Lord Halifax gave him a post in the Customs.

William Blackstone was the first Vinerian Professor at Oxford. Viner, whose name is well known in connection with an abridgment, left his money to found this Professorship, and Blackstone, of Pembroke College, was the first Vinerian lecturer. Although I have said that I should as a rule omit to mention the writers of law books, I must include Blackstone among the literary men connected with the Middle Temple, for he was the first to write about English law "like a gentleman." I am far from saying that you may implicitly accept every statement laid down by him, but that he had marked literary ability no one would deny. His Commentaries, which were published between 1765 and 1769, were founded on his lectures. He was an admirable lecturer, and therefore he was made a Judge of the Court of Common Pleas. Another Middle Temple man, Sir Henry Sumner Maine, the Master of my college, also wrote "like a gentleman."

From law we turn to poetry. William Cowper was a member of the Middle Temple. His great uncle was Earl Cowper, the Lord Chancellor, whose coat of arms is there in the window. His grandfather, Mr. Justice Cowper, was also a member of this Inn. His father, Dr. John Cowper, was

rector of Great Berkhamstead. He was sent, when a timid shrinking child, to Westminster; and on April 29th, 1748, was admitted a student of the Middle Temple. Here he was called to the Bar on June 14th, 1754. Five years afterwards he migrated to the Inner Temple; he purchased a set of chambers there for £250. I cannot tell you what induced him to leave the Middle Temple, to which his distinguished ancestors had belonged; I can only suppose that it was the first sign of that madness which afterwards overtook him! He had not been living in the Inner Temple for more than four years when he made a most determined attempt upon his own life. Luckily, his friends came to his rescue; they saw at once what was the matter with him; they took him away from the Inner Temple out into the country; and there he speedily recovered his wits, and wrote much excellent poetry.

I have only time to refer briefly to a few other members of the Middle Temple who are well known in the field of literature. There was Thomas De Quincey, who was, alas! an opium eater. There was John Thaddeus Delane, who was editor of *The Times* from 1841 to 1877, and who lived in Serjeants' Inn close by. There was Thomas Noon Talfourd, a friend of Charles Lamb. He was admitted to this Inn in 1813, called to the Bar in 1821, made a Serjeant in 1833, and a Judge in the year 1849. But long before he was raised

to the Bench, he had made a name in English literature by several excellent tragedies—in particular, “Ion,” “Glencoe,” and “The Athenian Captive,” based upon good classical models. They were written more as literature to be read than as plays to be acted—though they were acted and with success. It was Serjeant Talfourd who defended Moxon when he was indicted in 1841 for publishing Shelley’s “Queen Mab,” which the jury found to be a blasphemous libel. This Moxon was the first of the great publishing house of Moxon and Co. ; you will remember that he married Emma Isola, the adopted daughter of Charles and Mary Lamb.

Nor must I omit to mention the many distinguished Irishmen who have belonged to the Middle Temple. It was formerly the rule that every student of King’s Inn at Dublin must spend at least a year in London at an Inn of Court before he could be called to the Irish Bar. O’Connell was urged to get this rule altered ; it was deemed “a badge of slavery.” But he declined to move in the matter ; he said that it did a young Irishman good to come and eat dinners at an Inn of Court before he was called to the Irish Bar. It was only in 1885 that the old rule was rescinded by an Act of Parliament ; and many young Irishmen still come to us across the Channel, though they are no longer compelled to do so. The Middle Temple is glad to welcome them to its

Hall, as it welcomed many a distinguished Irishman in the past. Take, for instance, the 18th century, which saw amongst our members not only distinguished lawyers such as John Philpot Curran and Sir Richard Musgrave, but also men of the highest literary talent, such as Edmund Burke, Henry Grattan, Leonard Macnally, the playwright, Charles Molloy, the dramatist, and Theobald Wolfe Tone. Lastly, there was also Tom Moore, the sweetest of Irish poets. When he came over, he was writing his translation of Anacreon. And while he stayed here I am afraid he paid very little attention to law. He was busy writing many of those beautiful Irish melodies which will for ever be associated with his name.

The roll of the Inner Temple is so crowded with the names of Lord Chancellors, Lord Keepers, and Lord Chief Justices, that there is not room upon it for many literary men. The greatest writer claimed by the Inner Temple is Geoffrey Chaucer. But is the claim well founded? In such a matter one must be neither too critical nor too credulous. The fact is that there has been much nonsense talked about the education of Chaucer. Of course I, being of Trinity Hall, feel certain that he was a Cambridge man; that is clear from his story of the Miller's Tale at Trumpington, and the other local allusions in his works. But an early biographer of his, though well aware that

Chaucer was born in Little Thames Street in the City of London, asserts that he was probably of an Oxfordshire family—a mighty convenient word is “probably”—“there be many of that name in Oxfordshire still”; and he therefore concluded that Chaucer studied at Oxford. Then came a later biographer of a most accommodating disposition. He tells us “Geoffrey Chaucer, after the manner that was common in his day, went first to the University of Cambridge, and afterwards to the University of Oxford.” This pleases both sides ! Then it was discovered that the poet spoke French “ful faire and fetishly,” and French of Paris too, not “after the scole of Stratford-atte-Bowe”; so it is said that he studied abroad in France—as if he could not have acquired good French in England in the early part of the reign of Edward III. Now comes a later biographer, Speght, who, writing in 1574, says: “It seemeth that Chaucer was of the Inner Temple, for not many years since Master Buckley did see a Record in the same house, where Geffrey Chaucer was fined two shillings for beating a Franciscan friar in Fleet Street.” Now I confess there is an air of probability about this story. I should think it is exactly the sort of thing Geoffrey Chaucer would have done if he had been a member of either Temple. And it is a fact that this Buckley can be traced; he is a real person. He was chief butler of the Inner Temple, and also Librarian, so

he had access to the records. It is strange, no doubt, that this entry was never made known till Speght published his edition of the *Canterbury Tales*, more than two hundred years after the Franciscan friar had been beaten. But there is the evidence, gentlemen; and I think that if I were an Inner Temple man, I should assert that Chaucer was a member of the Inner Temple.

Sir Thomas Sackville was undoubtedly an Inner Temple man. Queen Elizabeth created him Baron Buckhurst in 1567, and James I made him Earl of Dorset in 1603; he was Lord Treasurer from 1599 to 1608. He wrote, or had a share in writing, the first English tragedy, "*Gorboduc*." Did you ever try to read it? It is a frigid and pompous production, written in a most stilted fashion, a melancholy imitation of the classics, devoid of any true emotion or dramatic power. It was acted before Queen Elizabeth by the gentlemen of the Inner Temple, very shortly after she came to the Throne, in the year 1561.

Then there is Francis Beaumont, whose dramas are at least human. He was the son of a judge of the Court of Common Pleas. He entered the Inner Temple on November 3rd, 1600, and wrote, among other things, a *Masque of the Inner and Gray's Inn*. But no evidence remains to show how he pursued his legal studies. Judging from after events, one would suspect that he spent more of his

time within the charmed circle of The Mermaid than either in chambers or in court.

There are other men of less distinction in the literary world whom perhaps I should mention : Wycherley, who wrote plays which were publicly acted in the days of Charles II, though they could not be acted now ; William Browne, whose Pastorals are said by some to have served Milton as a model for " Lycidas " and " Comus " ; Henry Hallam, the historian, and Arthur Henry Hallam, the friend of Alfred Tennyson, and Thomas Hughes, the author of " Tom Brown's Schooldays." Nor must we forget James Boswell. The son of a Scotch judge, Lord Auchinleck, he crossed the border determined to see London society. He was introduced to Dr. Johnson, for whom he had already conceived a great admiration, on May 16th, 1763, in the back parlour of Mr. Davies' shop ; and a close intimacy sprang up between these two men, in spite, or perhaps in consequence, of the great difference in their rank, means, disposition and intellectual power. If we were to judge Boswell solely by what he says about himself in the " Life of Dr. Johnson," we should deem him a silly little fellow, talkative and tiresome ; but he must have been a man of considerable ability, or he could not have written so excellent a biography or have been such a welcome companion to Johnson. He became a student of the Inner Temple in 1775, and was eventually called to the English Bar in 1786.

This mention of Boswell brings me at once to three great writers who are so closely connected with the Temple that I must mention them to-night, though no one of them was ever a member of any Inn of Court.

First there is the great Dr. Johnson. He resided in 1758 in Staple Inn, where he wrote "Rasselas." It was composed in the evenings of a single week, and sent to the Press as it was written. In 1759 he moved to Gray's Inn, and afterwards, in 1760, to the first floor of No. 1, Inner Temple Lane, on which site Dr. Johnson's Buildings now stand. There he resided from 1760 till 1765, living, as he has been described, "in poverty, total idleness, and the pride of literature." Here, on May 24th, 1763, Boswell for the first time called on him.

"He received me very courteously, but it must be confessed that his apartment and furniture and morning dress were sufficiently uncouth. His brown suit of clothes looked very rusty ; he had on a little, old, shrivelled, unpowdered wig, which was too small for his head ; his shirt-neck and knees of his breeches were loose ; his black worsted stockings ill drawn up, and he had a pair of unbuckled shoes by way of slippers. But all these slovenly peculiarities were forgotten the moment he began to talk."

To No. 1, Inner Temple Lane, in 1763, Topham Beauclerk brought Madame De Boufflers, the wife of the great French Marshal, to visit Johnson.



This French lady of high rank was led through two dirty outer rooms into an inner room, shabbily furnished, where Dr. Johnson, still poorly dressed, unshaved, with his stockings half way down his legs, and his feet in slippers, received the wife of the Marshal, not a bit ashamed of his appearance, nor of the fact that he was in the middle of his breakfast. He entertained them with the most brilliant conversation for some time, and then the visitors left. When they were making their way to the coach, Beauclerk heard a sound like thunder. It was the burly Doctor who, "on a little recollection, had taken it into his head that he ought to have done the honours of his literary residence to a foreign lady of quality, and eager to show himself a man of gallantry, was hurrying down the stairs in violent agitation." He overtook the pair before they reached the gate, and brushing between them, seized Madame De Boufflers by the hand, and conducted her, bareheaded, to the coach in Fleet Street, and handed her into the coach with a bow worthy of a courtier.

Dr. Johnson after a time left No. 1, Inner Temple Lane, and Boswell tells us he went to Johnson's Court, which is on the other side of Fleet Street. If you go there now, they will tell you that that is called Johnson's Court because Dr. Johnson lived there; and, to complete the illusion, there is close by a little street—quite modern, I believe—called Goldsmith's Street. It

was another Johnson who built the court which was called Johnson's Court before Dr. Johnson ever went to live in it.

A little later on, in 1768, Oliver Goldsmith came to live at No. 2, Brick Court, in the Middle Temple. His play, "The Goodnatured Man," had brought him in £500, which to him was wealth untold. Johnson was very fond of Goldsmith, though he never could help making fun of him. When Goldsmith complained that other writers were better paid than he was for literary work, Johnson's retort was almost cruel: "Yes, you see, it takes a great many sixpences to make a guinea." Yet he loved him in his heart, and so did all Johnson's "coterie," for Goldsmith was a most lovable man. There he lived at No. 2, Brick Court, on the second floor; and the story goes that on the floor below him Blackstone was busy writing the last volume of his Commentaries, and much disturbed by the "high jinks" going on above. We have this story on the authority of the man who succeeded Blackstone in those chambers; he told it to Prior, the friend and biographer of Goldsmith. But I am sorry to say that the records of the Middle Temple do not disclose the fact that the great Blackstone ever lived on that staircase at all. So much the worse for the records of the Inn; it is a pretty story, so let us believe it!<sup>1</sup>

<sup>1</sup> The only authority for the well-known story about Blackstone being disturbed by Goldsmith appears to be Sir James Prior's "Life

There Oliver Goldsmith lived and died. Towards the end of his life he was in great distress for want of money, yet ever generous to the poor and suffering. And when he died, on the stairs outside that black oak door there gathered many women, mostly Irish, wailing and lamenting for the man who had been their true friend, and who, even when in difficulties himself, never refused to give them help.

Dr. Johnson wrote of him: "Let not his frailties be remembered; he was a very great man." He was buried in the churchyard of the Temple on the north side of the church. The inscription on his lowly tomb, as you all may read, is simply this:

HERE LIES  
OLIVER GOLDSMITH,  
BORN 10TH NOVEMBER, 1728,  
DIED 4TH APRIL, 1774.

And when more than fifty years ago the old buildings belonging to the Middle Temple in the North Churchyard were pulled down, and a handsome

of Goldsmith," first published in 1837. The original passage is as follows:—"Below Goldsmith (at 2, Brick Court) on the first floor, and where some of his works are said to have been written, was Sir William Blackstone. He was succeeded by Mr. Children, father of the present secretary of the Royal Society, who occasionally amused his friends with details of the visitors and parties, sometimes neither early nor regular, of the sociable poet." The Mr. Children, to whom reference is made, was George Children, a Benchman of the Inn, and Treasurer in 1804. The passage suggests that Sir James Prior derived his information from Mr. Children's son, also a member of the Inn.

block of chambers erected in its place, they called it Goldsmith's Building after him.

There is another incident connected with Oliver Goldsmith's death. In the year 1768, when first he came to Brick Court, he was introduced by Sir Joshua Reynolds to a charming family, who had recently come from Devonshire—Mrs. Horneck, with her son and two daughters. Her son had just become a Captain in the Guards. Catherine, the elder daughter, who was nineteen years of age, was engaged to, and afterwards married, William Henry Bunbury, second son of a Suffolk baronet. The younger daughter, Mary, was but seventeen, pretty, quick, amiable, and well read for a young lady of those times; they christened her *The Jessamy Bride*. She was delighted to meet the author of "*The Vicar of Wakefield*" and "*The Deserted Village*," and much complimented that he talked to her in his fascinating way, though he was an ugly man to look at, and three times her age. Poor Goldsmith fell in love with Mary Horneck; she liked to hear him talk, but meant no more. He blossomed out in clothes of the newest fashion; five or six new suits of clothes did he get, one plum-coloured, one green, one blue velvet, and so forth, some of them lined with white satin, and none of them paid for to the time of his death! He made himself, I should think, a ridiculous figure, to pay attention to pretty little Mary Horneck. Then, I am afraid, she got a little tired

of this queer clumsy man, and at last she began to laugh at him. When he discovered she was laughing at him, hurt to the quick, he left her. And now that he is lying in his coffin at 2, Brick Court, comes a message that a lady who had known him a few years ago would so much like to have a lock of hair of the great Dr. Goldsmith, and that she would keep it and value it all the rest of her life. A lock was cut off and given to her messenger. The lady was no other than Mary Horneck, whom he had called *The Jessamy Bride*. Oh, if Oliver Goldsmith could only have known ! She still remembered him kindly in her heart, and was proud all the rest of her life that she had been the object of his affection. She lived to the age of eighty-eight, and all that time she treasured religiously that lock of hair. So you see there is a pretty little romance connected with No. 2, Brick Court, which we heedlessly pass every day as we come here to lunch.

Goldsmith died in the Temple on April 4th, 1774, and within a year there was born in the Temple a spirit much resembling his, so pure, so genial, so loving and true. Charles Lamb was born on February 10th, 1775, in a room on the second floor of No. 6, Crown Office Row, which, as he tells us, looked out towards Inner Temple Lane. His father was clerk to Samuel Salt, a Bencher of the Inner Temple ; and there Charles Lamb lived as a boy, and read Mr. Salt's books till he

went to Christ's Hospital, where he became a great friend of Samuel Taylor Coleridge. Fancy this thin, pale boy reading Massinger and Fletcher, and now and then gazing out upon the Terrace in front of the Old Hall of the Inner Temple where the "slipshod Benchers"<sup>1</sup> were pacing to and fro. You can read of them in Lamb's essays—Coventry, Daines Barrington, and Mingay with the iron hand. There he spent the first twenty years of his life, and learnt to love the Temple, its gardens, and the Thames. In 1795 the family left the Temple for a few years; you know the tragedy that happened when they lived in Little Queen Street. In the year 1800 Charles and Mary Lamb came back to the Temple and lived first in Mitre Court Buildings, and afterwards in Inner Temple Lane. Dr. Johnson's rooms had been at No. 1, theirs were at No. 4, "looking out upon a gloomy, churchyard-like court, called Hare Court, with three trees and a pump in it." Their rooms are pulled down now, and Dr. Johnson's Buildings erected on the site. There they lived in four rooms on the third floor,

<sup>1</sup> This phrase implies no imputation upon the Benchers; it merely means that, as they were close to their chambers, they were wearing slippers instead of their full dress buckled shoes. It is taken, as the reader will recognise, from a passage in "The Pleader's Guide," in which Anstey dares to parody John Milton:—

"Yet not the more  
Cease I to roam through Elm or Garden Court,  
Fig-Tree, or Fountain side, or learned shade  
Of King's Bench Walks, by Pleadings vocal made—  
Thrice hallow'd shades! where slipshod Benchers muse,  
Attorneys haunt and Special Pleaders cruise!"

and oh, the Wednesday evenings at 4, Inner Temple Lane! In those days people were not so dainty and luxurious as now; and moreover all literary people appear to have known each other then. It was open house, and what a collection of people met there—artists, writers, poets, painters—Wordsworth, Coleridge, Haydon, Hazlitt, Hood, Manning, Patmore, and later Talfourd, Procter and Crabb Robinson—they all came to those two poor sitting-rooms in Inner Temple Lane, such was the strange charm and fascination of Charles Lamb and his sister Mary. The entertainment was of the simplest; on the sideboard, cold beef, with a big can of porter; books and pictures all over the place; two whist-tables in the inner room, and Charles Lamb to talk to you. Oh, the chaff, the fun that went on! He once looked over Martin Burney's shoulder, and said: "Oh, Martin, if dirt were trumps, what a hand you would have." That was not a polite remark to a guest, but they did not mind that much in those days. Then Wordsworth or Coleridge would drop in. When Wordsworth was there, the ordinary conversation lapsed, and they listened willingly to the words of the great poet; and when Coleridge was there, they could not talk if they wished, for Coleridge talked and talked, and they all had to listen. Coleridge once said to Lamb: "Charles, did you ever hear me preach?" Lamb answered: "Coleridge, I never heard you do anything else." And he once

alluded to Coleridge as "an archangel a little damaged."

In 1817 Lamb left the Temple. It is a pity that he did. He went to live at Islington, and afterwards at Edmonton and Enfield. Mrs. Shelley says, in the year 1828, that she was up in London, and "on my return to the Strand I saw Lamb, who was very entertaining and amiable, though a little deaf."

Now imagine him going back to Islington, after parting with Mrs. Shelley. He would probably go across Gray's Inn Square: and who is this—a sharp, quick-eyed boy, with a clear-cut profile, wearing a shabby surtout—that comes running across Gray's Inn Square, passing Lamb on his way home? It is Mr. Blackmore's new office-boy; he has been a year already in Gray's Inn, keeping his eyes open and picking up everything with the avidity and facility that only Charles Dickens possessed. He has already learnt a little law, and much about the Marshalsea Prison—knowledge which helped him to write "Pickwick" and, later, "Little Dorrit." Poor Mr. Edward Blackmore! In 1828 he was well-known and respected as a solicitor in good practice; now his only claim to fame is that Charles Dickens was once his office-boy, and was paid from 13s. 6d. to 15s. 0d. a week!

Charles Dickens was admitted a student of the Middle Temple on December 6, 1839. He was at this time residing at 48, Doughty Street, and had



already written "Sketches by Boz," "The Pickwick Papers," "Oliver Twist" and "Nicholas Nickleby." It is said that he joined the Middle Temple because he wished to follow the example of his great predecessor, Fielding, and to become a police magistrate; but this is by no means certain. He was never called to the Bar, nor did he ever occupy chambers in the Temple. Yet the Temple and its surroundings were very familiar and very dear to him, and strongly appealed to his imagination. He makes many references to them in his later writings: see, for instance, the description in "Barnaby Rudge" of Sir John Chester in his chambers in Paper Buildings, and of Eugene Wrayburn's chambers in "Our Mutual Friend." The fountain in the Middle Temple is always associated with the name of Ruth Pinch, in the mind of everyone who has read "Martin Chuzzlewit."

Eight years previously to the admission of Dickens, William Makepeace Thackeray also became a student of the Middle Temple. They were members of the Middle Temple together. My friend Master John Digby, who has done me the honour to come and listen to this lecture, has dined in this hall with Dickens and with Thackeray, but not, I believe, with both at once; whether they ever dined together I cannot say. The story goes that, later on, when both were distinguished for writing books, Thackeray, forgetful of the Horace whom he loved, forgetful of the ode begin-

ning, *Quî fit, Mæcenâs, ut nemo, quam sibi sortem*, thought more of himself as an artist than as a novelist. You know he illustrated most of his own books; and it is said that when Seymour, who was illustrating "Pickwick," died, Thackeray urged Dickens to let him take up the work, and that Dickens refused. I do not know if this story is true, but they were not uniformly good friends.

Thackeray was admitted a student of the Middle Temple on June 3rd, 1831. During his student days he occupied chambers in Hare Court, and read with Mr. Tappell. He was not called to the Bar till May 26th, 1848, when he was already known to the public as the author of "Vanity Fair," which had been coming out in monthly parts for more than a year. In the next year he took chambers with Tom Taylor at the top of 10, Crown Office Row, and there he wrote "Pendennis." These chambers have since been pulled down, and rightly so, if Tom Taylor's description of them be correct:—

"They were fusty, they were musty, they were grimy, dull,  
and dim,  
The paint scaled off the paneling, the stairs were all  
untrim;  
The flooring creaked, the windows gaped, the doorposts  
stood awry,  
The wind whipt round the corner with a wild and wailing  
cry—  
In a dingier set of chambers no man need wish to stow  
Than those, old friend, wherein we denned at Ten, Crown  
Office Row."

Thackeray loved the Temple, but in a very different way from Dickens. It was the men that interested him, not the buildings with their picturesque nooks and corners. He has no good word for the buildings. Read, for instance, his description of the visit of Major Pendennis to his nephew in the Temple: "He bade the conductor to put him down at the gate of the Upper Temple. When he reached that dingy portal, he was directed by a civil personage with a badge and a white apron through some dark alleys, and under various melancholy arches into courts each more dismal than the other, until finally he reached Lamb Court. It would be impossible to conceive a place more dismal, and the Major shuddered to think that anyone should select such a residence." But when Thackeray comes to speak of this ancient Hall, in which, as you remember, Arthur Pendennis first met Warrington, he cannot help being more polite. Nor can he refrain from giving us a charming description of the Temple Gardens, on the summer evening when Pendennis met Fanny Bolton and her mother there. Thackeray mentions in that chapter "the summer-houses which flank either end of the main walk" by the river. I well remember the one at the eastern end, but its fellow at the western end had been abolished before I entered the Inn.

And if Thackeray had little affection for our buildings, he had still less for the study of the law,

which he describes as "one of the most cold-blooded prejudiced pieces of invention that ever a man was slave to." In another place he writes :—

"I don't know whether the student permits himself the refreshment of enthusiasm, or indulges in poetical reminiscences as he passes by historical chambers, and says : 'Yonder Eldon lived ; upon this site Coke mused upon Lyttelton ; here Chitty toiled ; here Barnewall and Alderson joined in their famous labours ; here Byles composed his great work upon Bills, and Smith compiled his immortal Leading Cases ' ; but the man of letters cannot but love the place which has been inhabited by so many of his brethren or peopled by their creations, as real to us at this day as the authors whose children they were ; and Sir Roger de Coverley, walking in the Temple Garden and discoursing with Mr. Spectator about the beauties in hoops and patches who are sauntering over the grass, is just as lively a figure to me as old Samuel Johnson rolling through the fog with the Scotch gentlemen at his heels on their way to Dr. Goldsmith's chambers in Brick Court ; or Harry Fielding, with inked ruffles and a wet towel round his head, dashing off articles at midnight for the *Covent Garden Journal*, while the printer's boy is asleep in the passage."

Yes : the characters which men create often become to posterity more clear and lifelike than the authors of their being. We know more of Hamlet than of Shakespeare, more of Tom Jones

than of Fielding. A man's work remains when he has gone. Blackstone's Commentaries have survived Blackstone, just as this Hall has survived its architect. David Copperfield and Colonel Newcome are to us real persons, men whom we know and love, while Charles Dickens and William Makepeace Thackeray are merely people about whom we have read in books !

But I must cease these melancholy reflections, and bring this course of lectures to a close. They were instituted because it was felt that many students did not know as much as they ought to know about the four Inns of Court, and the great men who have been associated with them. Some of you have come from Universities in England or abroad. Some of you have already acquired a knowledge of affairs in other professions or in trade. But you meet here, men of different colour, race, and language, and you have all been admitted into one or other of these ancient Societies. Now you are of us ; and it is right that in the first place you should get to know the men who are now members of the same Society as yourselves. But you are admitted also to a wider and a nobler fellowship. You are associated also with all those now "absent members" who in past years contributed to the glory and reputation of your Inn, and to whom we still look back with reverent and affectionate regard. It is

right that you should know something of those great men, now no longer living, men of varied gifts and matchless powers of mind, who have left their mark on our history, literature, and law. It is right, too, that you should know something of the history of these four Inns. Many of you, I fear, are sadly ignorant on this subject; why you do not even know what a "Lent Reader" is! I am often asked by students from other climes: "What is this Bar? What is this Inn of Court? Is it under the Government or under the University of London?"

It is in the hope, then, that you will realise what it is to be a member of one of these ancient Societies, that these lectures have been delivered. And, in order that future students may be able to read what you have heard, Master Treasurer has decided that these lectures shall be printed and published in cheap form. I trust that every student who has heard or may read these lectures will appreciate to the full that to belong to any one of these four colleges is a thing to be proud of. I trust that he will realise that there is a prestige and a distinction attaching to membership of an Inn of Court, and that such knowledge will strengthen his resolve that never by any act of his shall the faintest tarnish be imposed on the glorious record of an ancient and an honourable House.

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